

In the Senate of the United States,

September 29 (legislative day, September 25), 1995.

Resolved, That the bill from the House of Representatives (H.R. 2076) entitled “An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 *That the following sums are appropriated, out of any*
2 *money in the Treasury not otherwise appropriated, for the*
3 *fiscal year ending September 30, 1996, and for other pur-*
4 *poses, namely:*

5 *TITLE I—DEPARTMENT OF JUSTICE*

6 *GENERAL ADMINISTRATION*

7 *SALARIES AND EXPENSES*

8 *For expenses necessary for the administration of the*
9 *Department of Justice, \$74,282,000; including not to exceed*

1 \$3,317,000 for the Facilities Program 2000, and including
 2 \$5,000,000 for management and oversight of Immigration
 3 and Naturalization Service activities, both sums to remain
 4 available until expended: Provided, That not to exceed 45
 5 permanent positions and full-time equivalent workyears
 6 and \$7,477,000 shall be expended for the Department Lead-
 7 ership program: Provided further, That not to exceed 76
 8 permanent positions and 90 full-time equivalent workyears
 9 and \$9,487,000 shall be expended for the Executive Support
 10 program: Provided further, That the two aforementioned
 11 programs shall not be augmented by personnel details, tem-
 12 porary transfers of personnel on either a reimbursable or
 13 non-reimbursable basis or any other type of formal or infor-
 14 mal transfer or reimbursement of personnel or funds on ei-
 15 ther a temporary or long-term basis.

16 (TRANSFER OF FUNDS)

17 For the Joint Automated Booking Station,
 18 \$11,000,000 shall be made available until expended, to be
 19 derived by transfer from unobligated balances of the Work-
 20 ing Capital Fund in the Department of Justice.

21 POLICE CORPS

22 For police corps grants authorized by Public Law 103-
 23 322, \$10,000,000, to remain available until expended,
 24 which shall be derived from the Violent Crime Reduction
 25 Trust Fund.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, \$26,898,000, to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City or any domestic or international terrorist incident, (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities, and (3) the costs of conducting a terrorism threat assessment of Federal agencies and their facilities: Provided, That funds provided under this section shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, \$72,319,000.

VIOLENT CRIME REDUCTION PROGRAMS, ADMINISTRATIVE

REVIEW AND APPEALS

For activities authorized by section 130007 of Public Law 103-322, \$14,347,000, to remain available until ex-

1 *pending, which shall be derived from the Violent Crime Re-*
 2 *duction Trust Fund.*

3 *OFFICE OF INSPECTOR GENERAL*

4 *For necessary expenses of the Office of Inspector Gen-*
 5 *eral in carrying out the provisions of the Inspector General*
 6 *Act of 1978, as amended, \$27,436,000; including not to ex-*
 7 *ceed \$10,000 to meet unforeseen emergencies of a confiden-*
 8 *tial character, to be expended under the direction of, and*
 9 *to be accounted for solely under the certificate of, the Attor-*
 10 *ney General; and for the acquisition, lease, maintenance*
 11 *and operation of motor vehicles without regard to the gen-*
 12 *eral purchase price limitation.*

13 *UNITED STATES PAROLE COMMISSION*

14 *SALARIES AND EXPENSES*

15 *For necessary expenses of the United States Parole*
 16 *Commission as authorized by law, \$5,446,000.*

17 *LEGAL ACTIVITIES*

18 *SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES*

19 *For expenses necessary for the legal activities of the*
 20 *Department of Justice, not otherwise provided for, includ-*
 21 *ing activities authorized by title X of the Civil Rights Act*
 22 *of 1964, and including not to exceed \$20,000 for expenses*
 23 *of collecting evidence, to be expended under the direction*
 24 *of, and to be accounted for solely under the certificate of,*
 25 *the Attorney General; and rent of private or Government-*
 26 *owned space in the District of Columbia; \$406,529,000; of*

1 *which not to exceed \$10,000,000 for litigation support con-*
2 *tracts shall remain available until expended: Provided,*
3 *That of the funds available in this appropriation, not to*
4 *exceed \$22,618,000 shall remain available until expended*
5 *for office automation systems for the legal divisions covered*
6 *by this appropriation, and for the United States Attorneys,*
7 *the Antitrust Division, and offices funded through “Salaries*
8 *and Expenses”, General Administration: Provided further,*
9 *That of the total amount appropriated, not to exceed \$1,000*
10 *shall be available to the United States National Central Bu-*
11 *reau, INTERPOL, for official reception and representation*
12 *expenses: Provided further, That notwithstanding 31 U.S.C.*
13 *1342, the Attorney General may accept on behalf of the*
14 *United States and credit to this appropriation, gifts of*
15 *money, personal property and services, for the purpose of*
16 *hosting the International Criminal Police Organization’s*
17 *(INTERPOL) American Regional Conference in the United*
18 *States during fiscal year 1996.*

19 *In addition, for reimbursement of expenses of the De-*
20 *partment of Justice associated with processing cases under*
21 *the National Childhood Vaccine Injury Act of 1986, not to*
22 *exceed \$4,028,000, to be appropriated from the Vaccine In-*
23 *jury Compensation Trust Fund, as authorized by section*
24 *6601 of the Omnibus Budget Reconciliation Act, 1989, as*
25 *amended by Public Law 101–512 (104 Stat. 1289).*

3 *For the expeditious deportation of denied asylum ap-*
4 *plicants, as authorized by section 130005 of Public Law*
5 *103–322, \$2,991,000, to remain available until expended,*
6 *which shall be derived from the Violent Crime Reduction*
7 *Trust Fund.*

9 *For expenses necessary for the enforcement of antitrust*
10 *and kindred laws, \$69,143,000: Provided, That notwith-*
11 *standing any other provision of law, not to exceed*
12 *\$48,262,000 of offsetting collections derived from fees col-*
13 *lected for premerger notification filings under the Hart-*
14 *Scott-Rodino Antitrust Improvements Act of 1976 (15*
15 *U.S.C. 18(a)) shall be retained and used for necessary ex-*
16 *penses in this appropriation, and shall remain available*
17 *until expended: Provided further, That the sum herein ap-*
18 *propriated from the General Fund shall be reduced as such*
19 *offsetting collections are received during fiscal year 1996,*
20 *so as to result in a final fiscal year 1996 appropriation*
21 *from the General Fund estimated at not more than*
22 *\$20,881,000: Provided further, That any fees received in ex-*
23 *cess of \$48,262,000 in fiscal year 1996, shall remain avail-*
24 *able until expended, but shall not be available for obligation*
25 *until October 1, 1996.*

1 *SALARIES AND EXPENSES, UNITED STATES ATTORNEYS*

2 *For necessary expenses of the Office of the United*
3 *States Attorneys, including intergovernmental agreements,*
4 *\$909,463,000, of which not to exceed \$2,500,000 shall be*
5 *available until September 30, 1997 for the purposes of (1)*
6 *providing training of personnel of the Department of Jus-*
7 *tice in debt collection, (2) providing services to the Depart-*
8 *ment of Justice related to locating debtors and their prop-*
9 *erty, such as title searches, debtor skiptracing, asset*
10 *searches, credit reports and other investigations, (3) paying*
11 *the costs of the Department of Justice for the sale of prop-*
12 *erty not covered by the sale proceeds, such as auctioneers'*
13 *fees and expenses, maintenance and protection of property*
14 *and businesses, advertising and title search and surveying*
15 *costs, and (4) paying the costs of processing and tracking*
16 *debts owed to the United States Government: Provided,*
17 *That of the total amount appropriated, not to exceed \$8,000*
18 *shall be available for official reception and representation*
19 *expenses: Provided further, That not to exceed \$10,000,000*
20 *of those funds available for automated litigation support*
21 *contracts and \$4,000,000 for security equipment shall re-*
22 *main available until expended.*

23 *VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES*
24 *ATTORNEYS*

25 *For activities authorized by sections 190001(b) and*
26 *190001(d) of Public Law 103-322, \$30,000,000, to remain*

1 *available until expended, which shall be derived from the*
2 *Violent Crime Reduction Trust Fund.*

3 *UNITED STATES TRUSTEE SYSTEM FUND*

4 *For the necessary expenses of the United States Trustee*
5 *Program, \$103,183,000, as authorized by 28 U.S.C.*
6 *589a(a), to remain available until expended, for activities*
7 *authorized by section 115 of the Bankruptcy Judges, United*
8 *States Trustees, and Family Farmer Bankruptcy Act of*
9 *1986 (Public Law 99–554), which shall be derived from the*
10 *United States Trustee System Fund: Provided, That depos-*
11 *its to the Fund are available in such amounts as may be*
12 *necessary to pay refunds due depositors: Provided further,*
13 *That, notwithstanding any other provision of law, not to*
14 *exceed \$44,191,000 of offsetting collections derived from fees*
15 *collected pursuant to section 589a(f) of title 28, United*
16 *States Code, as amended, shall be retained and used for nec-*
17 *essary expenses in this appropriation: Provided further,*
18 *That the \$103,183,000 herein appropriated from the United*
19 *States Trustee System Fund shall be reduced as such offset-*
20 *ting collections are received during fiscal year 1996, so as*
21 *to result in a final fiscal year 1996 appropriation from*
22 *such Fund estimated at not more than \$58,992,000: Pro-*
23 *vided further, That any of the aforementioned fees collected*
24 *in excess of \$44,191,000 in fiscal year 1996 shall remain*
25 *available until expended, but shall not be available for obli-*
26 *gation until October 1, 1996.*

1 *SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT*

2 *COMMISSION*

3 *For expenses necessary to carry out the activities of*
 4 *the Foreign Claims Settlement Commission, including serv-*
 5 *ices as authorized by 5 U.S.C. 3109, \$905,000.*

6 *SALARIES AND EXPENSES, UNITED STATES MARSHALS*

7 *SERVICE*

8 *For necessary expenses of the United States Marshals*
 9 *Service; including the acquisition, lease, maintenance, and*
 10 *operation of vehicles and aircraft, and the purchase of pas-*
 11 *senger motor vehicles for police-type use without regard to*
 12 *the general purchase price limitation for the current fiscal*
 13 *year; \$439,639,000, as authorized by 28 U.S.C. 561(i), of*
 14 *which not to exceed \$6,000 shall be available for official*
 15 *reception and representation expenses.*

16 *VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES*

17 *MARSHALS SERVICE*

18 *For activities authorized by section 190001(b) of Pub-*
 19 *lic Law 103–322, \$15,000,000, to remain available until*
 20 *expended, which shall be derived from the Violent Crime*
 21 *Reduction Trust Fund.*

22 *FEDERAL PRISONER DETENTION*

23 *For expenses related to United States prisoners in the*
 24 *custody of the United States Marshals Service as authorized*
 25 *in 18 U.S.C. 4013, but not including expenses otherwise*
 26 *provided for in appropriations available to the Attorney*

1 *General; \$295,331,000, as authorized by 28 U.S.C. 561(i),*
2 *to remain available until expended.*

3 *FEES AND EXPENSES OF WITNESSES*

4 *For expenses, mileage, compensation, and per diems*
5 *of witnesses, for expenses of contracts for the procurement*
6 *and supervision of expert witnesses, for private counsel ex-*
7 *penses, and for per diems in lieu of subsistence, as author-*
8 *ized by law, including advances, \$85,000,000, to remain*
9 *available until expended; of which not to exceed \$4,750,000*
10 *may be made available for planning, construction, renova-*
11 *tion, maintenance, remodeling, and repair of buildings and*
12 *the purchase of equipment incident thereto for protected*
13 *witness safesites; of which not to exceed \$1,000,000 may be*
14 *made available for the purchase and maintenance of ar-*
15 *mored vehicles for transportation of protected witnesses;*
16 *and of which not to exceed \$4,000,000 may be made avail-*
17 *able for the purchase, installation and maintenance of a*
18 *secure automated information network to store and retrieve*
19 *the identities and locations of protected witnesses.*

20 *COMMUNITY RELATIONS SERVICE*

21 *SALARIES AND EXPENSES*

22 *For necessary expenses of the Community Relations*
23 *Service, established by title X of the Civil Rights Act of*
24 *1964, \$10,638,000: Provided, That such additional funds*
25 *as may be necessary for the resettlement of Cuban and Hai-*
26 *tian entrants shall be available to the Community Relations*

1 *Service, without fiscal year limitation, to be reimbursed*
 2 *from the Immigration Examinations Fee Account.*

3 *ASSETS FORFEITURE FUND*

4 *For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii),*
 5 *(B), (C), (F), and (G), as amended, \$35,000,000 to be de-*
 6 *rived from the Department of Justice Assets Forfeiture*
 7 *Fund.*

8 *RADIATION EXPOSURE COMPENSATION*

9 *ADMINISTRATIVE EXPENSES*

10 *For necessary administrative expenses in accordance*
 11 *with the Radiation Exposure Compensation Act,*
 12 *\$2,655,000.*

13 *PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST*
 14 *FUND*

15 *For payments to the Radiation Exposure Compensa-*
 16 *tion Trust Fund, \$16,264,000, to become available on Octo-*
 17 *ber 1, 1996.*

18 *INTERAGENCY LAW ENFORCEMENT*

19 *INTERAGENCY CRIME AND DRUG ENFORCEMENT*

20 *For necessary expenses for the detection, investigation,*
 21 *and prosecution of individuals involved in organized crime*
 22 *drug trafficking not otherwise provided for, to include inter-*
 23 *governmental agreements with State and local law enforce-*
 24 *ment agencies engaged in the investigation and prosecution*
 25 *of individuals involved in organized crime drug trafficking,*
 26 *\$359,843,000, of which \$50,000,000 shall remain available*

1 *until expended: Provided, That any amounts obligated from*
2 *appropriations under this heading may be used under au-*
3 *thorities available to the organizations reimbursed from this*
4 *appropriation: Provided further, That any unobligated bal-*
5 *ances remaining available at the end of the fiscal year shall*
6 *revert to the Attorney General for reallocation among par-*
7 *ticipating organizations in succeeding fiscal years, subject*
8 *to the reprogramming procedures described in section 605*
9 *of this Act.*

10 *FEDERAL BUREAU OF INVESTIGATION*

11 *SALARIES AND EXPENSES*

12 *For expenses necessary for detection, investigation, and*
13 *prosecution of crimes against the United States; including*
14 *purchase for police-type use of not to exceed 1,815 passenger*
15 *motor vehicles of which 1,300 will be for replacement only,*
16 *without regard to the general purchase price limitation for*
17 *the current fiscal year, and hire of passenger motor vehicles;*
18 *acquisition, lease, maintenance and operation of aircraft;*
19 *and not to exceed \$70,000 to meet unforeseen emergencies*
20 *of a confidential character, to be expended under the direc-*
21 *tion of, and to be accounted for solely under the certificate*
22 *of, the Attorney General; \$2,304,171,000, of which not to*
23 *exceed \$50,000,000 for automated data processing and tele-*
24 *communications and technical investigative equipment and*
25 *\$1,000,000 for undercover operations shall remain available*

1 *until September 30, 1997; of which not less than*
2 *\$121,345,000 shall be for counterterrorism investigations,*
3 *foreign counterintelligence, and other activities related to*
4 *our national security; of which not to exceed \$98,400,000*
5 *shall remain available until expended; and of which not to*
6 *exceed \$10,000,000 is authorized to be made available for*
7 *making payments or advances for expenses arising out of*
8 *contractual or reimbursable agreements with State and*
9 *local law enforcement agencies while engaged in cooperative*
10 *activities related to violent crime, terrorism, organized*
11 *crime, and drug investigations; and of which \$1,500,000*
12 *shall be available to maintain an independent program of-*
13 *fice dedicated solely to the relocation of the Criminal Justice*
14 *Information Services Division and the automation of fin-*
15 *gerprint identification services: Provided, That not to ex-*
16 *ceed \$45,000 shall be available for official reception and*
17 *representation expenses.*

18 *VIOLENT CRIME REDUCTION PROGRAMS*

19 *For activities authorized by Public Law 103-322 or*
20 *Senate bill 735 as passed by the Senate on June 7, 1995,*
21 *\$202,500,000, to remain available until expended, which*
22 *shall be derived from the Violent Crime Reduction Trust*
23 *Fund, of which \$50,000,000 shall be for activities author-*
24 *ized in section 521(a)(1) of Senate bill 735; of which*
25 *\$42,820,000 shall be for activities authorized in section*
26 *521(a)(2) of said Act; of which \$13,900,000 shall be for ac-*

1 *tivities authorized in section 521(a)(5) of said Act; and of*
 2 *which \$88,280,000 shall be for activities authorized in sec-*
 3 *tion 521(a)(7) of said Act; of which \$5,500,000 shall be for*
 4 *activities authorized by section 210306 of Public Law 103–*
 5 *322; and of which \$2,000,000 shall be for activities author-*
 6 *ized by section 210501 of Public Law 103–322.*

7 CONSTRUCTION

8 *For necessary expenses to construct or acquire build-*
 9 *ings and sites by purchase, or as otherwise authorized by*
 10 *law (including equipment for such buildings); conversion*
 11 *and extension of federally-owned buildings; and prelimi-*
 12 *nary planning and design of projects; \$98,800,000, to re-*
 13 *main available until expended.*

14 DRUG ENFORCEMENT ADMINISTRATION

15 SALARIES AND EXPENSES

16 *For necessary expenses of the Drug Enforcement Ad-*
 17 *ministration, including not to exceed \$70,000 to meet un-*
 18 *foreseen emergencies of a confidential character, to be ex-*
 19 *pended under the direction of, and to be accounted for solely*
 20 *under the certificate of, the Attorney General; expenses for*
 21 *conducting drug education and training programs, includ-*
 22 *ing travel and related expenses for participants in such pro-*
 23 *grams and the distribution of items of token value that pro-*
 24 *mote the goals of such programs; purchase of not to exceed*
 25 *1,208 passenger motor vehicles, of which 1,178 will be for*
 26 *replacement only, for police-type use without regard to the*

1 *general purchase price limitation for the current fiscal year;*
 2 *and acquisition, lease, maintenance, and operation of air-*
 3 *craft; \$790,000,000, of which not to exceed \$1,800,000 for*
 4 *research and \$15,000,000 for transfer to the Drug Diversion*
 5 *Control Fee Account for operating expenses shall remain*
 6 *available until expended, and of which not to exceed*
 7 *\$4,000,000 for purchase of evidence and payments for infor-*
 8 *mation, not to exceed \$4,000,000 for contracting for ADP*
 9 *and telecommunications equipment, and not to exceed*
 10 *\$2,000,000 for technical and laboratory equipment shall re-*
 11 *main available until September 30, 1997, and of which not*
 12 *to exceed \$50,000 shall be available for official reception*
 13 *and representation expenses.*

14 *VIOLENT CRIME REDUCTION PROGRAMS*

15 *For activities authorized by section 524(b) of Senate*
 16 *bill 735 as passed by the Senate on June 7, 1995,*
 17 *\$60,000,000, to remain available until expended, which*
 18 *shall be derived from the Violent Crime Reduction Trust*
 19 *Fund.*

20 *IMMIGRATION AND NATURALIZATION SERVICE*

21 *SALARIES AND EXPENSES*

22 *For expenses, not otherwise provided for, necessary for*
 23 *the administration and enforcement of the laws relating to*
 24 *immigration, naturalization, and alien registration, in-*
 25 *cluding not to exceed \$50,000 to meet unforeseen emer-*
 26 *gencies of a confidential character, to be expended under*

1 the direction of, and to be accounted for solely under the
2 certificate of, the Attorney General; purchase for police-type
3 use (not to exceed 813 of which 177 are for replacement
4 only) without regard to the general purchase price limita-
5 tion for the current fiscal year, and hire of passenger motor
6 vehicles; acquisition, lease, maintenance and operation of
7 aircraft; and research related to immigration enforcement;
8 \$953,934,000, of which not to exceed \$400,000 for research
9 shall remain available until expended, and of which not to
10 exceed \$10,000,000 shall be available for costs associated
11 with the training program for basic officer training: Pro-
12 vided, That none of the funds available to the Immigration
13 and Naturalization Service shall be available for adminis-
14 trative expenses to pay any employee overtime pay in an
15 amount in excess of \$25,000 during the calendar year begin-
16 ning January 1, 1996: Provided further, That uniforms
17 may be purchased without regard to the general purchase
18 price limitation for the current fiscal year: Provided fur-
19 ther, That not to exceed \$5,000 shall be available for official
20 reception and representation expenses: Provided further,
21 That the Attorney General may transfer to the Department
22 of Labor and the Social Security Administration not to ex-
23 ceed \$10,000,000 for programs to verify the immigration
24 status of persons seeking employment in the United States:
25 Provided further, That the Office of Public Affairs at the

1 *Immigration and Naturalization Service shall conduct its*
2 *business in areas only relating to its central mission, in-*
3 *cluding: research, analysis, and dissemination of informa-*
4 *tion, through the media and other communications outlets,*
5 *relating to the activities of the Immigration and Natu-*
6 *ralization Service: Provided further, That the Office of Con-*
7 *gressional Relations at the Immigration and Naturaliza-*
8 *tion Service shall conduct business in areas only relating*
9 *to its central mission, including: providing services to Mem-*
10 *bers of Congress relating to constituent inquiries and re-*
11 *quests for information; and working with the relevant con-*
12 *gressional committees on proposed legislation affecting im-*
13 *migration matters.*

14 *VIOLENT CRIME REDUCTION PROGRAMS*

15 *For activities authorized by sections 130005, 130006,*
16 *and 130007 of Public Law 103–322, \$165,362,000, to re-*
17 *main available until expended, which shall be derived from*
18 *the Violent Crime Reduction Trust Fund, of which*
19 *\$20,360,000 shall be for expeditious deportation of denied*
20 *asylum applicants, \$104,463,000 for improving border con-*
21 *trols, and \$40,539,000 for expanded special deportation*
22 *proceedings.*

23 *BORDER PATROL*

24 *SALARIES AND EXPENSES*

25 *For expenses necessary for Border Patrol Operations,*
26 *\$489,200,000, to remain available until expended.*

1 *VIOLENT CRIME REDUCTION PROGRAMS*2 *Section 245(i) of the Immigration and Nationality Act*3 *(8 U.S.C. 1255(i)) is amended—*4 *(1) in the second sentence of paragraph (1), by*
5 *striking “five” and inserting “ten”; and*6 *(2) in paragraph (3), by inserting before the pe-*
7 *riod at the end the following: “or, notwithstanding*
8 *any other provision of law, may be deposited as off-*
9 *setting collections in the Immigration and Natu-*
10 *ralization Service “Salaries and Expenses” appro-*
11 *priations account to be available to support border*
12 *enforcement and control programs”.*13 *The amendments made by this section shall apply to*
14 *funds remitted with applications for adjustment of status*
15 *which were filed on or after the date of enactment of this*
16 *Act.*17 *For activities authorized by section 130016 of Public*
18 *Law 103–322, \$10,300,000, to remain available until ex-*
19 *pendent, which shall be derived from the Violent Crime Re-*
20 *duction Trust Fund.*21 *CONSTRUCTION*22 *For planning, construction, renovation, equipping and*
23 *maintenance of buildings and facilities necessary for the ad-*
24 *ministration and enforcement of the laws relating to immi-*
25 *gration, naturalization, and alien registration, not other-*

1 wise provided for, \$35,000,000, to remain available until
2 expended.

3 *FEDERAL PRISON SYSTEM*

4 *SALARIES AND EXPENSES*

5 *For expenses necessary for the administration, oper-*
6 *ation, and maintenance of Federal penal and correctional*
7 *institutions, including purchase (not to exceed 853, of which*
8 *559 are for replacement only) and hire of law enforcement*
9 *and passenger motor vehicles; and for the provision of tech-*
10 *nical assistance and advice on corrections related issues to*
11 *foreign governments; \$2,574,578,000: Provided, That there*
12 *may be transferred to the Health Resources and Services*
13 *Administration such amounts as may be necessary, in the*
14 *discretion of the Attorney General, for direct expenditures*
15 *by that Administration for medical relief for inmates of*
16 *Federal penal and correctional institutions: Provided fur-*
17 *ther, That the Director of the Federal Prison System (FPS),*
18 *where necessary, may enter into contracts with a fiscal*
19 *agent/fiscal intermediary claims processor to determine the*
20 *amounts payable to persons who, on behalf of the FPS, fur-*
21 *nish health services to individuals committed to the custody*
22 *of the FPS: Provided further, That uniforms may be pur-*
23 *chased without regard to the general purchase price limita-*
24 *tion for the current fiscal year: Provided further, That not*
25 *to exceed \$6,000 shall be available for official reception and*

1 representation expenses: Provided further, That not to ex-
 2 ceed \$50,000,000 for the activation of new facilities shall
 3 remain available until September 30, 1997: Provided fur-
 4 ther, That of the amounts provided for Contract Confine-
 5 ment, not to exceed \$20,000,000 shall remain available
 6 until expended to make payments in advance for grants,
 7 contracts and reimbursable agreements and other expenses
 8 authorized by section 501(c) of the Refugee Education As-
 9 sistance Act of 1980 for the care and security in the United
 10 States of Cuban and Haitian entrants: Provided further,
 11 That no funds appropriated in this Act shall be used to
 12 privatize any Federal prison facilities located in Forrest
 13 City, Arkansas, and Yazoo City, Mississippi.

14 VIOLENT CRIME REDUCTION PROGRAMS

15 For substance abuse treatment in Federal prisons as
 16 authorized by section 32001(e) of Public Law 103–322,
 17 \$13,500,000, to remain available until expended, which
 18 shall be derived from the Violent Crime Reduction Trust
 19 Fund.

20 NATIONAL INSTITUTE OF CORRECTIONS

21 For carrying out the provisions of sections 4351–4353
 22 of title 18, United States Code, which established a National
 23 Institute of Corrections, and for the provision of technical
 24 assistance and advice on corrections related issues,
 25 \$8,000,000, to remain available until expended.

BUILDINGS AND FACILITIES

1
2 *For planning, acquisition of sites and construction of*
3 *new facilities; leasing the Oklahoma City Airport Trust Fa-*
4 *cility; purchase and acquisition of facilities and remodeling*
5 *and equipping of such facilities for penal and correctional*
6 *use, including all necessary expenses incident thereto, by*
7 *contract or force account; and constructing, remodeling,*
8 *and equipping necessary buildings and facilities at existing*
9 *penal and correctional institutions, including all necessary*
10 *expenses incident thereto, by contract or force account;*
11 *\$349,410,000, to remain available until expended, of which*
12 *not to exceed \$14,074,000 shall be available to construct*
13 *areas for inmate work programs: Provided, That labor of*
14 *United States prisoners may be used for work performed*
15 *under this appropriation: Provided further, That not to ex-*
16 *ceed 10 percent of the funds appropriated to “Buildings and*
17 *Facilities” in this Act or any other Act may be transferred*
18 *to “Salaries and Expenses,” Federal Prison System upon*
19 *notification by the Attorney General to the Committees on*
20 *Appropriations of the House of Representatives and the*
21 *Senate in compliance with provisions set forth in section*
22 *605 of this Act: Provided further, That of the total amount*
23 *appropriated, not to exceed \$22,351,000 shall be available*
24 *for the renovation and construction of United States Mar-*
25 *shals Service prisoner holding facilities.*

1 *FEDERAL PRISON INDUSTRIES, INCORPORATED*

2 *The Federal Prison Industries, Incorporated, is hereby*
3 *authorized to make such expenditures, within the limits of*
4 *funds and borrowing authority available, and in accord*
5 *with the law, and to make such contracts and commitments,*
6 *without regard to fiscal year limitations as provided by sec-*
7 *tion 9104 of title 31, United States Code, as may be nec-*
8 *essary in carrying out the program set forth in the budget*
9 *for the current fiscal year for such corporation, including*
10 *purchase of (not to exceed five for replacement only) and*
11 *hire of passenger motor vehicles.*

12 *LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL*
13 *PRISON INDUSTRIES, INCORPORATED*

14 *Not to exceed \$3,559,000 of the funds of the corporation*
15 *shall be available for its administrative expenses, and for*
16 *services as authorized by 5 U.S.C. 3109, to be computed*
17 *on an accrual basis to be determined in accordance with*
18 *the corporation's current prescribed accounting system, and*
19 *such amounts shall be exclusive of depreciation, payment*
20 *of claims, and expenditures which the said accounting sys-*
21 *tem requires to be capitalized or charged to cost of commod-*
22 *ities acquired or produced, including selling and shipping*
23 *expenses, and expenses in connection with acquisition, con-*
24 *struction, operation, maintenance, improvement, protec-*
25 *tion, or disposition of facilities and other property belong-*
26 *ing to the corporation or in which it has an interest.*

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, \$102,345,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act, as amended by Public Law 102-534 (106 Stat. 3524).

VIOLENT CRIME REDUCTION PROGRAMS, JUSTICE

ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the "Justice Assistance" account) authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322 ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"), \$242,900,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which \$30,000,000 shall be for the Local Crime Prevention Block Grant Program, as authorized by section

1 30201 of the Violent Crime Control and Law Enforcement
 2 Act of 1994; \$6,000,000 shall be for the Court Appointed
 3 Special Advocate Program, as authorized by section 218 of
 4 the 1990 Act; \$750,000 for Child Abuse Training Programs
 5 for Judicial Personnel and Practitioners, as authorized by
 6 section 224 of the 1990 Act; \$130,000,000 for Grants to
 7 Combat Violence Against Women to States, units of local
 8 governments and Indian tribal governments, as authorized
 9 by section 1001(a)(18) of the 1968 Act; \$28,000,000 for
 10 Grants to Encourage Arrest Policies to States, units of local
 11 governments and Indian tribal governments, as authorized
 12 by section 1001(a)(19) of the 1968 Act; \$7,000,000 for
 13 Rural Domestic Violence and Child Abuse Enforcement As-
 14 sistance Grants, as authorized by section 40295 of the 1994
 15 Act; \$1,000,000 for training programs to assist probation
 16 and parole officers who work with released sex offenders,
 17 as authorized by section 40152(c) of the Violent Crime Con-
 18 trol and Law Enforcement Act of 1994; \$500,000 for Fed-
 19 eral victim's counselors, as authorized by section 40114 of
 20 that Act; \$50,000 for grants for televised testimony, as au-
 21 thorized by section 1001(a)(7) of the Omnibus Crime Con-
 22 trol and Safe Streets Act of 1968; \$200,000 for the study
 23 of State databases on the incidence of sexual and domestic
 24 violence, as authorized by section 40292 of the Violent
 25 Crime Control and Law Enforcement Act of 1994;

1 \$1,500,000 for national stalker and domestic violence reduc-
 2 tion, as authorized by section 40603 of that Act;
 3 \$27,000,000 for grants for residential substance abuse treat-
 4 ment for State prisoners pursuant to section 1001(a)(17)
 5 of the 1968 Act; \$10,000,000 for grants for rural drug en-
 6 forcement assistance pursuant to section 1001(a)(9) of the
 7 1968 Act; and \$900,000 for the Missing Alzheimer's Disease
 8 Patient Alert Program, as authorized by section 240001(d)
 9 of the 1994 Act: Provided further, That any balances for
 10 these programs shall be transferred to and merged with this
 11 appropriation.

12 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

13 For grants, contracts, cooperative agreements, and
 14 other assistance authorized by part E of title I of the Omni-
 15 bus Crime Control and Safe Streets Act of 1968, as amend-
 16 ed, for State and Local Narcotics Control and Justice As-
 17 sistance Improvements, notwithstanding the provisions of
 18 section 511 of said Act, \$300,000,000, to remain available
 19 until expended, as authorized by section 1001 of title I of
 20 said Act, as amended by Public Law 102-534 (106 Stat.
 21 3524): Provided, That not more than \$30,000,000 shall be
 22 made available to carry out the provisions of chapter A of
 23 subpart 2 of part E of title I of said Act, for discretionary
 24 grants under the Edward Byrne Memorial State and Local
 25 Law Enforcement Assistance Programs: Provided further,
 26 That not more than \$250,000,000 shall be made available

1 *to carry out the provisions of subpart 1, part E of title*
 2 *I of said Act, for formula grants under the Edward Byrne*
 3 *Memorial State and Local Law Enforcement Assistance*
 4 *Programs: Provided further, That balances of amounts ap-*
 5 *propriated prior to fiscal year 1995 under the authorities*
 6 *of this account shall be transferred to and merged with this*
 7 *account.*

8 *To carry out chapter A of subpart 2 of part E of title*
 9 *I of the Omnibus Crime Control and Safe Streets Act of*
 10 *1968, for discretionary grants under the Edward Byrne Me-*
 11 *morial State and Local Law Enforcement Assistance Pro-*
 12 *grams, \$50,000,000, which shall be derived from the Violent*
 13 *Crime Reduction Trust Fund.*

14 *VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL*
 15 *LAW ENFORCEMENT ASSISTANCE*

16 *For assistance (including amounts for administrative*
 17 *costs for management and administration, which amounts*
 18 *shall be transferred to and merged with the “Justice Assist-*
 19 *ance” account) authorized by the Violent Crime Control and*
 20 *Law Enforcement Act of 1994, Public Law 103–322 (“the*
 21 *1994 Act”); the Omnibus Crime Control and Safe Streets*
 22 *Act of 1968, as amended (“the 1968 Act”); and the Victims*
 23 *of Child Abuse Act of 1990, as amended (“the 1990 Act”),*
 24 *\$3,097,100,000, to remain available until expended, which*
 25 *shall be derived from the Violent Crime Reduction Trust*
 26 *Fund; of which \$1,690,000,000 shall be for Public Safety*

1 *Partnership and Community Policing pursuant to title I*
 2 *of the Violent Crime Control and Law Enforcement Act of*
 3 *1994; \$100,000,000 shall be for drug courts pursuant to title*
 4 *V of the 1994 Act; \$25,000,000 for grants to upgrade crimi-*
 5 *nal records, as authorized by section 106(b) of the Brady*
 6 *Handgun Violence Prevention Act of 1993, as amended, and*
 7 *section 4(b) of the National Child Protection Act of 1993;*
 8 *\$225,000,000 as authorized by section 1001 of title I of the*
 9 *1968 Act, which shall be available to carry out the provi-*
 10 *sions of subpart 1, part E of title I of the 1968 Act, notwith-*
 11 *standing section 511 of said Act, for the Edward Byrne Me-*
 12 *morial State and Local Law Enforcement Assistance Pro-*
 13 *grams; \$300,000,000 for the State Criminal Alien Assist-*
 14 *ance Program, as authorized by section 242(j) of the Immi-*
 15 *gration and Nationality Act, as amended; \$15,000,000 for*
 16 *Youthful Offender Incarceration Grants, as authorized by*
 17 *section 1001(a)(16) of the 1968 Act; \$2,000,000 for the*
 18 *Ounce of Prevention Council pursuant to subtitle A of title*
 19 *III of the Violent Crime Control and Law Enforcement Act*
 20 *(Public Law 103–322); \$726,800,000 for Violent Offender*
 21 *Incarceration and Truth in Sentencing Incentive Grants*
 22 *pursuant to subtitle A of title II of the Violent Crime Con-*
 23 *trol and Law Enforcement Act of 1994 (as amended by sec-*
 24 *tion 114 of this Act); \$1,000,000 for grants to States and*
 25 *units of local government for projects to improve DNA anal-*

1 ysis, as authorized by section 1001(a)(22) of the 1968 Act;
 2 \$9,000,000 for Improved Training and Technical Automa-
 3 tion Grants, as authorized by section 210501(c)(1) of the
 4 1994 Act; \$1,200,000 for Law Enforcement Family Support
 5 Programs, as authorized by section 1001(a)(21) of the 1968
 6 Act; \$1,100,000 for Motor Vehicle Theft Prevention Pro-
 7 grams, as authorized by section 220002(h) of the 1994 Act;
 8 \$1,000,000 for Gang Investigation Coordination and Infor-
 9 mation Collection, as authorized by section 150006 of the
 10 1994 Act: Provided, That funds made available in fiscal
 11 year 1996 under subpart 1 of part E of title I of the Omni-
 12 bus Crime Control and Safe Streets Act of 1968, as amend-
 13 ed, may be obligated for programs to assist States in the
 14 litigation processing of death penalty Federal habeas corpus
 15 petitions: Provided further, That any 1995 balances for
 16 these programs shall be transferred to and merged with this
 17 appropriation: Provided further, That if a unit of local gov-
 18 ernment uses any of the funds made available under this
 19 title to increase the number of law enforcement officers, the
 20 unit of local government will achieve a net gain in the num-
 21 ber of law enforcement officers who perform nonadministra-
 22 tive public safety service.

23 WEED AND SEED PROGRAM FUND

24 For necessary expenses, including salaries and related
 25 expenses of the Executive Office for Weed and Seed, to im-
 26 plement "Weed and Seed" program activities, \$43,500,000,

1 of which \$43,500,000 shall be derived from discretionary
2 grants provided under the Edward Byrne Memorial State
3 and Local Law Enforcement Assistance Programs funded
4 by the Violent Crime Reduction Trust Fund, to remain
5 available until expended for intergovernmental agreements,
6 including grants, cooperative agreements, and contracts,
7 with State and local law enforcement agencies engaged in
8 the investigation and prosecution of violent crimes and
9 drug offenses in “Weed and Seed” designated communities,
10 and for either reimbursements or transfers to appropriation
11 accounts of the Department of Justice and other Federal
12 agencies which shall be specified by the Attorney General
13 to execute the “Weed and Seed” program strategy: Provided,
14 That funds designated by Congress through language for
15 other Department of Justice appropriation accounts for
16 “Weed and Seed” program activities shall be managed and
17 executed by the Attorney General through the Executive Of-
18 fice for Weed and Seed: Provided further, That the Attorney
19 General may direct the use of other Department of Justice
20 funds and personnel in support of “Weed and Seed” pro-
21 gram activities only after the Attorney General notifies the
22 Committees on Appropriations of the House of Representa-
23 tives and the Senate in accordance with section 605 of this
24 Act.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, \$164,000,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102-586, of which: (1) \$100,000,000 shall be available for expenses authorized by parts A, B, and C of title II of the Act; (2) \$30,000,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs, of which \$20,000,000 shall be derived from the discretionary grants provided under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs funded by the Violent Crime Reduction Trust Fund; (3) \$10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) \$4,000,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) \$20,000,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs.

1 *In addition, for grants, contracts, cooperative agree-*
 2 *ments, and other assistance authorized by the Victims of*
 3 *Child Abuse Act of 1990, as amended, \$4,500,000, to remain*
 4 *available until expended, as authorized by section 214B, of*
 5 *the Act: Provided, That balances of amounts appropriated*
 6 *prior to fiscal year 1995 under the authorities of this ac-*
 7 *count shall be transferred to and merged with this account.*

8 *PUBLIC SAFETY OFFICERS BENEFITS*

9 *For payments authorized by part L of title I of the*
 10 *Omnibus Crime Control and Safe Streets Act of 1968 (42*
 11 *U.S.C. 3796), as amended, such sums as are necessary, to*
 12 *remain available until expended, as authorized by section*
 13 *6093 of Public Law 100–690 (102 Stat. 4339–4340), and,*
 14 *in addition, \$2,134,000, to remain available until ex-*
 15 *pended, for payments as authorized by section 1201(b) of*
 16 *said Act.*

17 *GENERAL PROVISIONS—DEPARTMENT OF JUSTICE*

18 *SEC. 101. In addition to amounts otherwise made*
 19 *available in this title for official reception and representa-*
 20 *tion expenses, a total of not to exceed \$45,000 from funds*
 21 *appropriated to the Department of Justice in this title shall*
 22 *be available to the Attorney General for official reception*
 23 *and representation expenses in accordance with distribu-*
 24 *tions, procedures, and regulations established by the Attor-*
 25 *ney General.*

1 *SEC. 102. Subject to section 102(b) of the Department*
2 *of Justice and Related Agencies Appropriations Act, 1993,*
3 *as amended by section 112 of this Act, authorities contained*
4 *in Public Law 96–132, “The Department of Justice Appro-*
5 *priation Authorization Act, Fiscal Year 1980,” shall re-*
6 *main in effect until the termination date of this Act or until*
7 *the effective date of a Department of Justice Appropriation*
8 *Authorization Act, whichever is earlier.*

9 *SEC. 103. None of the funds appropriated by this title*
10 *shall be available to pay for an abortion, except where the*
11 *life of the mother would be endangered if the fetus were car-*
12 *ried to term, or in the case of rape: Provided, That should*
13 *this prohibition be declared unconstitutional by a court of*
14 *competent jurisdiction, this section shall be null and void.*

15 *SEC. 104. None of the funds appropriated under this*
16 *title shall be used to require any person to perform, or fa-*
17 *cilitate in any way the performance of, any abortion.*

18 *SEC. 105. Nothing in the preceding section shall re-*
19 *move the obligation of the Director of the Bureau of Prisons*
20 *to provide escort services necessary for a female inmate to*
21 *receive such service outside the Federal facility: Provided,*
22 *That nothing in this section in any way diminishes the*
23 *effect of section 104 intended to address the philosophical*
24 *beliefs of individual employees of the Bureau of Prisons.*

1 *SEC. 106. Notwithstanding any other provision of law,*
2 *not to exceed \$10,000,000 of the funds made available in*
3 *the Act may be used to pay rewards and shall not be subject*
4 *to spending limitations contained in sections 3059 and*
5 *3072 of title 18, United States Code: Provided, That any*
6 *reward of \$100,000 or more, up to a maximum of*
7 *\$2,000,000, may not be made without the personal approval*
8 *of the President or the Attorney General and such approval*
9 *may not be delegated.*

10 *SEC. 107. Not to exceed 5 percent of any appropriation*
11 *made available for the current fiscal year for the Depart-*
12 *ment of Justice in this Act, including those derived from*
13 *the Violent Crime Reduction Trust Fund, may be trans-*
14 *ferred between such appropriations, but no such appropria-*
15 *tion, except as otherwise specifically provided, shall be in-*
16 *creased by more than 10 percent by any such transfers: Pro-*
17 *vided, That any transfer pursuant to this section shall be*
18 *treated as a reprogramming of funds under section 605 of*
19 *this Act and shall not be available for obligation or expendi-*
20 *ture except in compliance with the procedures set forth in*
21 *that section.*

22 *SEC. 108. For fiscal year 1996 and each fiscal year*
23 *thereafter, amounts in the Federal Prison System's Com-*
24 *missary Fund, Federal Prisons, which are not currently*
25 *needed for operations, shall be kept on deposit or invested*

1 *in obligations of, or guaranteed by, the United States and*
2 *all earnings on such investments shall be deposited in the*
3 *Commissary Fund.*

4 *SEC. 109. Section 524(c)(9) of title 28, United States*
5 *Code, is amended by adding subparagraph (E), as follows:*

6 *“(E) Subject to the notification procedures contained*
7 *in section 605 of Public Law 103–121, and after satisfying*
8 *the transfer requirement in subparagraph (B) of this para-*
9 *graph, any excess unobligated balance remaining in the*
10 *Fund on September 30, 1995 shall be available to the Attor-*
11 *ney General, without fiscal year limitation, for any Federal*
12 *law enforcement, litigative/prosecutive, and correctional ac-*
13 *tivities, or any other authorized purpose of the Department*
14 *of Justice. Any amounts provided pursuant to this subpara-*
15 *graph may be used under authorities available to the orga-*
16 *nization receiving the funds.”.*

17 *SEC. 110. Hereafter, notwithstanding any other provi-*
18 *sion of law—*

19 *(1) no transfers may be made from Department*
20 *of Justice accounts other than those authorized in this*
21 *Act, or in previous or subsequent appropriations Acts*
22 *for the Department of Justice, or in part II of title*
23 *28 of the United States Code, or in section 10601 of*
24 *title 42 of the United States Code; and*

1 (2) *no appropriation account within the Depart-*
 2 *ment of Justice shall have its allocation of funds con-*
 3 *trolled by other than an apportionment issued by the*
 4 *Office of Management and Budget or an allotment*
 5 *advice issued by the Department of Justice.*

6 *SEC. 111. (a) Section 1930(a)(6) of title 28, United*
 7 *States Code, is amended by striking “a plan is confirmed*
 8 *or”.*

9 *(b) Section 589a(b)(5) of such title is amended by*
 10 *striking “;” and inserting, “until a reorganization plan is*
 11 *confirmed;”.*

12 *(c) Section 589a(f) of such title is amended—*

13 *(1) in paragraph (2) by striking “.” and insert-*
 14 *ing, “until a reorganization plan is confirmed;”, and*

15 *(2) by inserting after paragraph (2) the follow-*
 16 *ing new paragraph:*

17 *“(3) 100 percent of the fees collected under sec-*
 18 *tion 1930(a)(6) of this title after a reorganization*
 19 *plan is confirmed.”.*

20 *SEC. 112. Public Law 102–395, section 102 is amend-*
 21 *ed as follows: (1) in subsection (b)(1) strike “years 1993,*
 22 *1994, and 1995” and insert “year 1996”; (2) in subsection*
 23 *(b)(1)(C) strike “years 1993, 1994, and 1995” and insert*
 24 *“year 1996”; and (3) in subsection (b)(5)(A) strike “years*
 25 *1993, 1994, and 1995” and insert “year 1996”.*

1 *SEC. 113. Public Law 101–515 (104 Stat. 2112; 28*
 2 *U.S.C. 534 note) is amended by inserting “and criminal*
 3 *justice information” after “for the automation of finger-*
 4 *print identification”.*

5 ***SEC. 114. VIOLENT OFFENDER INCARCERATION AND TRUTH***
 6 ***IN SENTENCING GRANTS.***

7 *Subtitle A of title II of the Violent Crime Control and*
 8 *Law Enforcement Act of 1994 is amended to read as follows:*
 9 ***“Subtitle A—Violent Offender In-***
 10 ***carceration and Truth in Sen-***
 11 ***tencing Incentive Grants***

12 ***“SEC. 20101. GRANTS FOR CORRECTIONAL FACILITIES.***

13 *“(a) GRANT AUTHORIZATION.—The Attorney General*
 14 *may make grants to individual States and to States orga-*
 15 *nized as multi-State compacts to construct, develop, expand,*
 16 *modify, operate, or improve correctional facilities, includ-*
 17 *ing prisons and jails, or boot camp facilities and other low*
 18 *cost correctional facilities for nonviolent offenders that can*
 19 *free conventional prison space for the confinement of violent*
 20 *offenders, to ensure that prison cell space is available for*
 21 *the confinement of violent offenders and to implement truth*
 22 *in sentencing laws for sentencing violent offenders.*

23 *“(b) ELIGIBILITY.—To be eligible to receive a grant*
 24 *under this subtitle, a State or States organized as multi-*

1 *State compacts shall submit an application to the Attorney*
2 *General that includes—*

3 “(1)(A) *except as provided in subparagraph (B),*
4 *assurances that the State or States, have imple-*
5 *mented, or will implement, correctional policies and*
6 *programs, including truth in sentencing laws that en-*
7 *sure that violent offenders serve a substantial portion*
8 *of the sentences imposed, that are designed to provide*
9 *sufficiently severe punishment for violent offenders,*
10 *including violent juvenile offenders, and that the pris-*
11 *on time served is appropriately related to the deter-*
12 *mination that the inmate is a violent offender and for*
13 *a period of time deemed necessary to protect the pub-*
14 *lic;*

15 “(B) *in the case of a State that on the date of*
16 *enactment of the Department of Justice Appropria-*
17 *tions Act, 1996 practices indeterminant sentencing, a*
18 *demonstration that average times served for the of-*
19 *fenses of murder, rape, robbery, and assault in the*
20 *State exceed by at least 10 percent the national aver-*
21 *age of time served for such offenses in all of the*
22 *States;*

23 “(2) *assurances that the State or States have im-*
24 *plemented policies that provide for the recognition of*
25 *the rights and needs of crime victims;*

1 “(3) assurances that funds received under this
2 section will be used to construct, develop, expand,
3 modify, operate, or improve conventional correctional
4 facilities;

5 “(4) assurances that the State or States have in-
6 volved counties and other units of local government,
7 when appropriate, in the construction, development,
8 expansion, modification, operation, or improvement
9 of correctional facilities designed to ensure the incar-
10 ceration of violent offenders, and that the State or
11 States will share funds received under this section
12 with counties and other units of local government,
13 taking into account the burden placed on the units of
14 local government when they are required to confine
15 sentenced prisoners because of overcrowding in State
16 prison facilities;

17 “(5) assurances that funds received under this
18 section will be used to supplement, not supplant,
19 other Federal, State, and local funds;

20 “(6) assurances that the State or States have im-
21 plemented, or will implement not later than 18
22 months after the date of enactment of the Department
23 of Justice Appropriations Act, 1996, policies to deter-
24 mine the veteran status of inmates and to ensure that

1 *incarcerated veterans receive the veterans benefits to*
 2 *which they are entitled; and*

3 *“(7) if applicable, documentation of the multi-*
 4 *State compact agreement that specifies the construc-*
 5 *tion, development, expansion, modification, operation,*
 6 *or improvement of correctional facilities.*

7 **“SEC. 20102. TRUTH IN SENTENCING INCENTIVE GRANTS.**

8 *“(a) TRUTH IN SENTENCING GRANT PROGRAM.—Fifty*
 9 *percent of the total amount of funds appropriated to carry*
 10 *out this subtitle for each of fiscal years 1996, 1997, 1998,*
 11 *1999, and 2000 shall be made available for truth in sentenc-*
 12 *ing incentive grants. To be eligible to receive such a grant,*
 13 *a State must meet the requirements of section 20101(b) and*
 14 *shall demonstrate that the State—*

15 *“(1) has in effect laws that require that persons*
 16 *convicted of violent crimes serve not less than 85 per-*
 17 *cent of the sentence imposed;*

18 *“(2) since 1993—*

19 *“(A) has increased the percentage of con-*
 20 *victed violent offenders sentenced to prison;*

21 *“(B) has increased the average prison time*
 22 *that will be served in prison by convicted violent*
 23 *offenders sentenced to prison; and*

24 *“(C) has in effect at the time of application*
 25 *laws requiring that a person who is convicted of*

1 *a violent crime shall serve not less than 85 per-*
2 *cent of the sentence imposed if—*

3 *“(i) the person has been convicted on 1*
4 *or more prior occasions in a court of the*
5 *United States or of a State of a violent*
6 *crime or a serious drug offense; and*

7 *“(ii) each violent crime or serious drug*
8 *offense was committed after the defendant’s*
9 *conviction of the preceding violent crime or*
10 *serious drug offense; or*

11 *“(3) in the case of a State that on the date of*
12 *enactment of the Department of Justice Appropria-*
13 *tions Act, 1996 practices indeterminant sentencing, a*
14 *demonstration that average times served for the of-*
15 *fenses of murder, rape, robbery, and assault in the*
16 *State exceed by at least 10 percent the national aver-*
17 *age of time served for such offenses in all of the*
18 *States.*

19 *“(b) ALLOCATION OF TRUTH IN SENTENCING INCEN-*
20 *TIVE FUNDS.—The amount available to carry out this sec-*
21 *tion for any fiscal year shall be allocated to each eligible*
22 *State in the ratio that the number of part 1 violent crimes*
23 *reported by such State to the Federal Bureau of Investiga-*
24 *tion for the previous year bears to the number of part 1*

1 *violent crimes reported by all States to the Federal Bureau*
 2 *of Investigation for the previous year.*

3 **“SEC. 20103. VIOLENT OFFENDER INCARCERATION GRANTS.**

4 “(a) *VIOLENT OFFENDER INCARCERATION GRANT*
 5 *PROGRAM.—Fifty percent of the total amount of funds ap-*
 6 *propriated to carry out this subtitle for each of fiscal years*
 7 *1996, 1997, 1998, 1999, and 2000 shall be made available*
 8 *for violent offender incarceration grants. To be eligible to*
 9 *receive such a grant, a State or States must meet the re-*
 10 *quirements of section 20101(b).*

11 “(b) *ALLOCATION OF VIOLENT OFFENDER INCARCER-*
 12 *ATION FUNDS.—Funds made available to carry out this sec-*
 13 *tion shall be allocated as follows:*

14 “(1) *0.6 percent shall be allocated to each eligible*
 15 *State, except that the United States Virgin Islands,*
 16 *American Samoa, Guam, and the Northern Mariana*
 17 *Islands each shall be allocated 0.05 percent.*

18 “(2) *The amount remaining after application of*
 19 *paragraph (1) shall be allocated to each eligible State*
 20 *in the ratio that the number of part 1 violent crimes*
 21 *reported by such State to the Federal Bureau of In-*
 22 *vestigation for the previous year bears to the number*
 23 *of part 1 violent crimes reported by all States to the*
 24 *Federal Bureau of Investigation for the previous year.*

1 **“SEC. 20104. RULES AND REGULATIONS.**

2 “(a) *IN GENERAL.*—Not later than 90 days after the
3 date of enactment of the Department of Justice Appropria-
4 tions Act, 1996, the Attorney General shall issue rules and
5 regulations regarding the uses of grant funds received under
6 this subtitle.

7 “(b) *BEST AVAILABLE DATA.*—If data regarding part
8 1 violent crimes in any State for the previous year is un-
9 available or substantially inaccurate, the Attorney General
10 shall utilize the best available comparable data regarding
11 the number of violent crimes for the previous year for the
12 State for the purposes of allocation of funds under this sub-
13 title.

14 **“SEC. 20105. DEFINITIONS.**

15 “In this subtitle—

16 “(1) the term ‘part 1 violent crimes’ means mur-
17 der and non-negligent manslaughter, forcible rape,
18 robbery, and aggravated assault as reported to the
19 Federal Bureau of Investigation for purposes of the
20 Uniform Crime Reports;

21 “(2) the term ‘State’ or ‘States’ means a State,
22 the District of Columbia, the Commonwealth of Puer-
23 to Rico, the United States Virgin Islands, American
24 Samoa, Guam, and the Northern Mariana Islands;
25 and

1 “(3) the term ‘indeterminate sentencing’ means a
 2 system by which the court has discretion in imposing
 3 the actual length of the sentence, up to the statutory
 4 maximum, and an administrative agency, or the
 5 court, controls release between court-ordered mini-
 6 mum and maximum sentence.”.

7 **“SEC. 20106. AUTHORIZATION OF APPROPRIATIONS.**

8 *“There are authorized to be appropriated to carry out*
 9 *this subtitle—*

10 “(1) \$1,000,000,000 for fiscal year 1996;

11 “(2) \$1,150,000,000 for fiscal year 1997;

12 “(3) \$2,100,000,000 for fiscal year 1998;

13 “(4) \$2,200,000,000 for fiscal year 1999; and

14 “(5) \$2,270,000,000 for fiscal year 2000.”.

15 SEC. 115. Notwithstanding provisions of 41 U.S.C.
 16 353 or any other provision of law, the Federal Prison Sys-
 17 tem may enter into contracts and other agreements with
 18 private entities for the confinement of Federal prisoners for
 19 a period not to exceed 3 years and 7 additional option
 20 years.

21 SEC. 116. Public Law 101–246 (104 Stat. 42) is
 22 amended by inserting “or Federal Bureau of Investigation”
 23 after “Drug Enforcement Administration”.

24 SEC. 117. (a) Except as provided in subsection (b), the
 25 restrictions on the commercial sale of goods and services

1 *produced or provided by the Federal Prison Industries pro-*
2 *vided in section 1761 of title 18, United States Code, and*
3 *any other provision of law shall not apply.*

4 *(b) Goods or services may not be sold commercially*
5 *pursuant to subsection (a) unless the President certifies that*
6 *the sale of such goods or services will not result in the loss*
7 *of jobs in the private sector or adversely effect the sale of*
8 *private sector goods or services sold on a local or regional*
9 *basis.*

10 *(c) This section shall not be construed as authorizing*
11 *the appropriations of any additional appropriations.*

12 *SEC. 118. PROVISION RELATING TO VOTER REGISTRA-*
13 *TION.—(a) IN GENERAL.—Subsection (b) of section 4 of the*
14 *National Voter Registration Act of 1993 (42 U.S.C. 1973gg–*
15 *2(b)) is amended by striking “March 11, 1993” each place*
16 *it appears and inserting “August 1, 1994”.*

17 *(b) EFFECTIVE DATE.—The amendments made by sub-*
18 *section (a) shall take effect as if included in the provisions*
19 *of the National Voter Registration Act of 1993.*

20 *SEC. 119. (a) STATE COMPATIBILITY WITH FEDERAL*
21 *BUREAU OF INVESTIGATION SYSTEMS.—(1) The Attorney*
22 *General shall make funds available to the chief executive*
23 *officer of each State to carry out the activities described*
24 *in paragraph (2).*

1 (2) *USES.*—*The executive officer of each State shall use*
2 *the funds made available under this subsection in conjunc-*
3 *tion with units of local government, other States, or com-*
4 *binations thereof, to carry out all or part of a program to*
5 *establish, develop, update, or upgrade—*

6 (A) *computerized identification systems that are*
7 *compatible and integrated with the databases of the*
8 *National Crime Information Center of the Federal*
9 *Bureau of Investigation;*

10 (B) *ballistics identification programs that are*
11 *compatible and integrated with the Drugfire Program*
12 *of the Federal Bureau of Investigation;*

13 (C) *the capability to analyze deoxyribonucleic*
14 *acid (DNA) in a forensic laboratory in ways that are*
15 *compatible and integrated with the combined DNA*
16 *Identification System (CODIS) of the Federal Bureau*
17 *of Investigation; and*

18 (D) *automated fingerprint identification systems*
19 *that are compatible and integrated with the Inte-*
20 *grated Automated Fingerprint Identification System*
21 *(IAFIS) of the Federal Bureau of Investigation.*

22 (b) *ELIGIBILITY.*—*To be eligible to receive a grant*
23 *under this section, a State shall require that each person*
24 *convicted of a felony of a sexual nature shall provide a sam-*
25 *ple of blood, saliva, or other specimen necessary to conduct*

1 a DNA analysis consistent with the standards established
 2 for DNA testing by the Director of the Federal Bureau of
 3 Investigation.

4 (c) *INTERSTATE COMPACTS*.—A State may enter into
 5 a compact or compacts with another State or States to
 6 carry out this section.

7 (d) *ALLOCATION*.—The Attorney General shall allocate
 8 the funds appropriated under subsection (e) to each State
 9 based on the following formula:

10 (1) .25 percent shall be allocated to each of the
 11 participating States.

12 (2) Of the total funds remaining after the alloca-
 13 tion under paragraph (1), each State shall be allo-
 14 cated an amount that bears the same ratio to the
 15 amount of such funds as the population of such State
 16 bears to the population of all States.

17 (e) *AUTHORIZATION OF APPROPRIATIONS*.—There are
 18 hereby appropriated to carry out this section \$60,000,000
 19 for fiscal year 1996.

20 **SEC. 120. EVALUATION OF CRIME PREVENTION PROGRAMS**
 21 **AND DEVELOPMENT OF NATIONAL CRIME**
 22 **PREVENTION RESEARCH AND EVALUATION**
 23 **STRATEGY**

24 (a) *EVALUATION OF CRIME PREVENTION PRO-*
 25 *GRAMS*.—The Attorney General shall provide, directly or

1 *through grants and contracts, for the comprehensive and*
 2 *thorough evaluation of the effectiveness of the following pro-*
 3 *grams funded by this title:*

4 (1) *The Local Crime Prevention Block Grant*
 5 *program under subtitle B of title III of the Violent*
 6 *Crime Control and Law Enforcement Act of 1994.*

7 (2) *The Weed and Seed Program.*

8 (3) *The Youth Gangs Program under part D of*
 9 *title II of the Juvenile Justice and Delinquency Pre-*
 10 *vention Act of 1974.*

11 (b) *NATIONAL CRIME PREVENTION RESEARCH AND*
 12 *EVALUATION STRATEGY.—*

13 (1) *STRATEGY.—Not later than 9 months after*
 14 *the date of enactment of this Act, the Attorney Gen-*
 15 *eral shall formulate and publish a unified national*
 16 *crime prevention research and evaluation strategy*
 17 *that will result in timely reports to Congress and to*
 18 *State and local governments regarding the impact*
 19 *and effectiveness of the crime and violence prevention*
 20 *initiatives described in subsection (a).*

21 (2) *STUDIES.—Consistent with the strategy de-*
 22 *veloped pursuant to paragraph (1), the Attorney Gen-*
 23 *eral may use crime prevention research and evalua-*
 24 *tion funds reserved under subsection (e) to conduct*
 25 *studies and demonstrations regarding the effectiveness*

1 *of crime prevention programs and strategies that are*
 2 *designed to achieve the same purposes as the pro-*
 3 *grams under this section, without regard to whether*
 4 *such programs receive Federal funding.*

5 *(c) EVALUATION AND RESEARCH CRITERIA.—*

6 *(1) INDEPENDENT EVALUATIONS AND RE-*
 7 *SEARCH.—Evaluations and research studies con-*
 8 *ducted pursuant to this section shall be independent*
 9 *in nature, and shall employ rigorous and scientif-*
 10 *ically recognized standards and methodologies.*

11 *(2) CONTENT OF EVALUATIONS.—Evaluations*
 12 *conducted pursuant to this section shall include meas-*
 13 *ures of—*

14 *(A) reductions in delinquency, juvenile*
 15 *crime, youth gang activity, youth substance*
 16 *abuse, and other high risk-factors;*

17 *(B) reductions in risk factors in young peo-*
 18 *ple that contribute to juvenile violence, including*
 19 *academic failure, excessive school absenteeism,*
 20 *and dropping out of school;*

21 *(C) reductions in risk factors in the commu-*
 22 *nity, schools, and family environments that con-*
 23 *tribute to juvenile violence; and*

1 (D) *the increase in the protective factors*
 2 *that reduce the likelihood of delinquency and*
 3 *criminal behavior.*

4 (d) *COMPLIANCE WITH EVALUATION MANDATE.—The*
 5 *Attorney General may require the recipients of Federal as-*
 6 *sistance under this Act to collect, maintain, and report in-*
 7 *formation considered to be relevant to any evaluation con-*
 8 *ducted pursuant to subsection (a), and to conduct and par-*
 9 *ticipate in specified evaluation and assessment activities*
 10 *and functions.*

11 (e) *RESERVATION OF FUNDS FOR EVALUATION AND*
 12 *RESEARCH*

13 (1) *IN GENERAL.—The Attorney General shall*
 14 *reserve not less than 2 percent, and not more than 3*
 15 *percent, of the amounts appropriated to carry out the*
 16 *programs described in subsection (a) in each fiscal*
 17 *year to carry out the evaluation and research re-*
 18 *quired by this section.*

19 (2) *ASSISTANCE TO GRANTEEES AND EVALUATED*
 20 *PROGRAMS.—To facilitate the conduct and defray the*
 21 *costs of crime prevention program evaluation and re-*
 22 *search, the Attorney General shall use funds reserved*
 23 *under this subsection to provide compliance assistance*
 24 *to—*

1 (A) grantees under this programs described
2 in subsection (a) who are selected to participate
3 in evaluations pursuant to subsection (d); and
4 (B) other agencies and organizations that
5 are requested to participate in evaluations and
6 research pursuant to subsection (b)(2).

7 *SEC. 121. Notwithstanding any other provision of law,*
8 *a Federal, State, or local government agency may not use*
9 *a voter registration card (or other related document) that*
10 *evidences registration for an election for Federal office, as*
11 *evidence to prove United States citizenship.*

12 *SEC. 122. Notwithstanding any other provision of law,*
13 *amounts appropriated for fiscal year 1996 under this Act*
14 *to carry out section 242(j) of the Immigration and Nation-*
15 *ality Act shall be allocated by the Attorney General in a*
16 *manner which ensures that each eligible State and political*
17 *subdivision of a State shall be reimbursed for their total*
18 *aggregate costs for the incarceration of undocumented*
19 *criminal aliens during fiscal years 1995 and 1996 at the*
20 *same pro rata rate.*

21 **SEC. 123. TRANSPORTATION OF ADMINISTRATOR OF THE**
22 **DRUG ENFORCEMENT ADMINISTRATION.**

23 *Section 1344(b)(6) of title 31, United States Code, is*
24 *amended to read as follows:*

1 “(6) the Director of the Central Intelligence
 2 Agency, the Director of the Federal Bureau of Inves-
 3 tigation, and the Administrator of the Drug Enforce-
 4 ment Administration;”.

5 This title may be cited as the “Department of Justice
 6 Appropriations Act, 1996”.

7 *TITLE II—DEPARTMENT OF COMMERCE AND*
 8 *RELATED AGENCIES*

9 *TRADE AND INFRASTRUCTURE DEVELOPMENT*

10 *RELATED AGENCIES*

11 *OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE*

12 *SALARIES AND EXPENSES*

13 *For necessary expenses of the Office of the United*
 14 *States Trade Representative, including the hire of passenger*
 15 *motor vehicles and the employment of experts and consult-*
 16 *ants as authorized by 5 U.S.C. 3109, \$20,889,000, of which*
 17 *\$2,500,000 shall remain available until expended: Provided,*
 18 *That not to exceed \$98,000 shall be available for official*
 19 *reception and representation expenses.*

20 *INTERNATIONAL TRADE COMMISSION*

21 *SALARIES AND EXPENSES*

22 *For necessary expenses of the International Trade*
 23 *Commission, including hire of passenger motor vehicles and*
 24 *services as authorized by 5 U.S.C. 3109, and not to exceed*

1 \$2,500 for official reception and representation expenses,
2 \$34,000,000, to remain available until expended.

3 *DEPARTMENT OF COMMERCE*

4 *INTERNATIONAL TRADE ADMINISTRATION*

5 *OPERATIONS AND ADMINISTRATION*

6 *For necessary expenses for international trade activi-*
7 *ties of the Department of Commerce provided for by law,*
8 *and engaging in trade promotional activities abroad, in-*
9 *cluding expenses of grants and cooperative agreements for*
10 *the purpose of promoting exports of United States firms,*
11 *without regard to 44 U.S.C. 3702 and 3703; full medical*
12 *coverage for dependent members of immediate families of*
13 *employees stationed overseas and employees temporarily*
14 *posted overseas; travel and transportation of employees of*
15 *the United States and Foreign Commercial Service between*
16 *two points abroad, without regard to 49 U.S.C. 1517; em-*
17 *ployment of Americans and aliens by contract for services;*
18 *rental of space abroad for periods not exceeding ten years,*
19 *and expenses of alteration, repair, or improvement; pur-*
20 *chase or construction of temporary demountable exhibition*
21 *structures for use abroad; payment of tort claims, in the*
22 *manner authorized in the first paragraph of 28 U.S.C. 2672*
23 *when such claims arise in foreign countries; not to exceed*
24 *\$327,000 for official representation expenses abroad; pur-*
25 *chase of passenger motor vehicles for official use abroad, not*

1 to exceed \$30,000 per vehicle; obtain insurance on official
 2 motor vehicles; and rent tie lines and teletype equipment;
 3 \$266,079,000, to remain available until expended: Pro-
 4 vided, That the provisions of the first sentence of section
 5 105(f) and all of section 108(c) of the Mutual Educational
 6 and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and
 7 2458(c)) shall apply in carrying out these activities without
 8 regard to 15 U.S.C. 4912; and that for the purpose of this
 9 Act, contributions under the provisions of the Mutual Edu-
 10 cational and Cultural Exchange Act shall include payment
 11 for assessments for services provided as part of these activi-
 12 ties.

13 EXPORT ADMINISTRATION

14 OPERATIONS AND ADMINISTRATION

15 For necessary expenses for export administration and
 16 national security activities of the Department of Commerce,
 17 including costs associated with the performance of export
 18 administration field activities both domestically and
 19 abroad; full medical coverage for dependent members of im-
 20 mediate families of employees stationed overseas; employ-
 21 ment of Americans and aliens by contract for services
 22 abroad; rental of space abroad for periods not exceeding ten
 23 years, and expenses of alteration, repair, or improvement;
 24 payment of tort claims, in the manner authorized in the
 25 first paragraph of 28 U.S.C. 2672 when such claims arise

1 *in foreign countries; not to exceed \$15,000 for official rep-*
 2 *resentation expenses abroad; awards of compensation to in-*
 3 *formers under the Export Administration Act of 1979, and*
 4 *as authorized by 22 U.S.C. 401(b); purchase of passenger*
 5 *motor vehicles for official use and motor vehicles for law*
 6 *enforcement use with special requirement vehicles eligible*
 7 *for purchase without regard to any price limitation other-*
 8 *wise established by law; \$38,604,000, to remain available*
 9 *until expended: Provided, That the provisions of the first*
 10 *sentence of section 105(f) and all of section 108(c) of the*
 11 *Mutual Educational and Cultural Exchange Act of 1961*
 12 *(22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying*
 13 *out these activities.*

14 *ECONOMIC DEVELOPMENT ADMINISTRATION*

15 *ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS*

16 *For grants for economic development assistance as pro-*
 17 *vided by the Public Works and Economic Development Act*
 18 *of 1965, as amended, Public Law 91-304, and such laws*
 19 *that were in effect immediately before September 30, 1982,*
 20 *\$89,000,000, \$7,500,000 of which shall be for trade adjust-*
 21 *ment assistance: Provided, That none of the funds appro-*
 22 *priated or otherwise made available under this heading*
 23 *may be used directly or indirectly for attorneys' or consult-*
 24 *ants' fees in connection with securing grants and contracts*
 25 *made by the Economic Development Administration: Pro-*

1 *vided further, That, notwithstanding any other provision*
2 *of law, the Secretary of Commerce may provide financial*
3 *assistance for projects to be located on military installations*
4 *closed or scheduled for closure or realignment to grantees*
5 *eligible for assistance under the Public Works and Eco-*
6 *nomie Development Act of 1965, as amended, without it*
7 *being required that the grantee have title or ability to ob-*
8 *tain a lease for the property, for the useful life of the project,*
9 *when in the opinion of the Secretary of Commerce, such*
10 *financial assistance is necessary for the economic develop-*
11 *ment of the area: Provided further, That the Secretary of*
12 *Commerce may, as the Secretary considers appropriate,*
13 *consult with the Secretary of Defense regarding the title to*
14 *land on military installations closed or scheduled for clo-*
15 *sure or realignment.*

16 *SALARIES AND EXPENSES*

17 *For necessary expenses of administering the economic*
18 *development assistance programs as provided for by law,*
19 *\$11,000,000: Provided, That these funds may be used to*
20 *monitor projects approved pursuant to title I of the Public*
21 *Works Employment Act of 1976, as amended, title II of the*
22 *Trade Act of 1974, as amended, and the Community Emer-*
23 *gency Drought Relief Act of 1977.*

1 *MINORITY BUSINESS DEVELOPMENT AGENCY*2 *MINORITY BUSINESS DEVELOPMENT*

3 *The following sum is appropriated for Minority Busi-*
4 *ness Development in addition to such sums provided else-*
5 *where in this Act, \$32,789,000.*

6 *Of the unobligated balances contained in this account,*
7 *\$1,000,000 shall be transferred to the Commerce Reorga-*
8 *nization Transition Fund.*

9 *UNITED STATES TRAVEL AND TOURISM ADMINISTRATION*10 *SALARIES AND EXPENSES*

11 *For necessary expenses of the United States Travel and*
12 *Tourism Administration, for implementing the rec-*
13 *ommendations from the White House Conference on Travel*
14 *and Tourism and for carrying out the transition of that*
15 *Administration into a public-private partnership,*
16 *\$12,000,000.*

17 *ECONOMIC AND INFORMATION INFRASTRUCTURE*18 *ECONOMIC AND STATISTICAL ANALYSIS*19 *SALARIES AND EXPENSES*

20 *For necessary expenses, as authorized by law, of eco-*
21 *nomie and statistical analysis programs of the Department*
22 *of Commerce, \$46,896,000, to remain available until Sep-*
23 *tember 30, 1997.*

11 *BUREAU OF THE CENSUS*

For expenses necessary for collecting, compiling, ana-
lyzing, preparing, and publishing statistics, provided for by
law, \$133,812,000.

17 *For expenses necessary to collect and publish statistics*
18 *for periodic censuses and programs provided for by law,*
19 *\$193,450,000, to remain available until expended.*

21 *ADMINISTRATION*

23 *For necessary expenses, as provided for by law, of the*
24 *National Telecommunications and Information Adminis-*
25 *tration, \$8,000,000, to remain available until expended:*
26 *Provided, That notwithstanding 31 U.S.C. 1535(d), the Sec-*

1 retary of Commerce is authorized to retain and use as offset-
 2 ting collections all funds transferred, or previously trans-
 3 ferred, from other Government agencies for spectrum man-
 4 agement, analysis, and operations and for all costs incurred
 5 in telecommunications research, engineering, and related
 6 activities by the Institute for Telecommunication Sciences
 7 of the NTIA in furtherance of its assigned functions under
 8 this paragraph and such funds received from other Govern-
 9 ment agencies shall remain available until expended.

10 (TRANSFER OF FUNDS)

11 For spectrum management, \$9,000,000 shall be made
 12 available until expended to be derived by transfer from un-
 13 obligated balances of the Working Capital Fund in the De-
 14 partment of Justice.

15 PUBLIC BROADCASTING FACILITIES, PLANNING AND

16 CONSTRUCTION

17 For grants authorized by section 392 of the Commu-
 18 nications Act of 1934, as amended, \$10,000,000, to remain
 19 available until expended as authorized by section 391 of the
 20 Act, as amended: Provided, That not to exceed \$2,200,000
 21 shall be available for program administration as authorized
 22 by section 391 of the Act: Provided further, That notwith-
 23 standing the provisions of section 391 of the Act, the prior
 24 year unobligated balances may be made available for grants
 25 for projects for which applications have been submitted and
 26 approved during any fiscal year.

1 *INFORMATION INFRASTRUCTURE GRANTS*

2 *For grants authorized by section 392 of the Commu-*
3 *nications Act of 1934, as amended, \$18,900,000, to remain*
4 *available until expended as authorized by section 391 of the*
5 *Act, as amended: Provided, That not to exceed \$900,000*
6 *shall be available for program administration and other*
7 *support activities as authorized by section 391 of the Act*
8 *including support of the Advisory Council on National In-*
9 *formation Infrastructure: Provided further, That of the*
10 *funds appropriated herein, not to exceed 5 percent may be*
11 *available for telecommunications research activities for*
12 *projects related directly to the development of a national*
13 *information infrastructure: Provided further, That notwith-*
14 *standing the requirements of section 392(a) and 392(c) of*
15 *the Act, these funds may be used for the planning and con-*
16 *struction of telecommunications networks for the provision*
17 *of educational, cultural, health care, public information,*
18 *public safety, or other social services: Provided further, That*
19 *in reviewing proposals for funding, the Telecommunications*
20 *and Information and Infrastructure Assistance Program*
21 *(also known as the National Information Infrastructure*
22 *program) shall add to the factors taken into consideration*
23 *the following: (1) the extent to which the proposed project*
24 *is consistent with State plans and priorities for the deploy-*
25 *ment of the telecommunications and information infra-*

1 *structure and services; and (2) the extent to which the appli-*
 2 *cant has planned and coordinated the proposed project with*
 3 *other telecommunications and information entities in the*
 4 *State.*

5 *PATENT AND TRADEMARK OFFICE*

6 *SALARIES AND EXPENSES*

7 *For necessary expenses of the Patent and Trademark*
 8 *Office provided for by law, including defense of suits insti-*
 9 *tuted against the Commissioner of Patents and Trade-*
 10 *marks; \$82,324,000, to remain available until expended:*
 11 *Provided, That the funds made available under this heading*
 12 *are to be derived from deposits in the Patent and Trade-*
 13 *mark Office Fee Surcharge Fund as authorized by law: Pro-*
 14 *vided further, That the amounts made available under the*
 15 *Fund shall not exceed amounts deposited; and such fees as*
 16 *shall be collected pursuant to 15 U.S.C. 1113 and 35 U.S.C.*
 17 *41 and 376, shall remain available until expended.*

18 *SCIENCE AND TECHNOLOGY*

19 *NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY*

20 *SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES*

21 *For necessary expenses of the National Institute of*
 22 *Standards and Technology, \$222,737,000, to remain avail-*
 23 *able until expended, of which not to exceed \$8,500,000 may*
 24 *be transferred to the "Working Capital Fund", and of which*
 25 *\$1,200,000 shall be available for continuation of the pro-*

1 *gram to integrate energy efficient building technology with*
 2 *the use of structural materials made from underutilized or*
 3 *waste products.*

4 *INDUSTRIAL TECHNOLOGY SERVICES*

5 *For necessary expenses of the Manufacturing Exten-*
 6 *sion Partnership of the National Institute of Standards and*
 7 *Technology and the Advanced Technology Program,*
 8 *\$101,600,000, to remain available until expended, of which*
 9 *not to exceed \$500,000 may be transferred to the “Working*
 10 *Capital Fund”: Provided, That none of the funds made*
 11 *available under this heading in this or any other Act may*
 12 *be used for the purposes of carrying out additional program*
 13 *competitions under the Advanced Technology Program:*
 14 *Provided further, That any unobligated balances available*
 15 *from carryover of prior year appropriations under the Ad-*
 16 *vanced Technology Program may be used only for the pur-*
 17 *poses of providing continuation grants: Provided further,*
 18 *That of the amounts provided in this paragraph*
 19 *\$76,300,000 is for the Manufacturing Extension Partner-*
 20 *ship program.*

21 *CONSTRUCTION OF RESEARCH FACILITIES*

22 *For renovation of existing facilities, not otherwise pro-*
 23 *vided for the National Institute of Standards and Tech-*
 24 *nology, as authorized by 15 U.S.C. 278c–278e, \$27,000,000,*
 25 *to remain available until expended.*

1 *NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION*
2 *OPERATIONS, RESEARCH, AND FACILITIES*
3 *(INCLUDING TRANSFER OF FUNDS)*

4 *For necessary expenses of activities authorized by law*
5 *for the National Oceanic and Atmospheric Administration,*
6 *including acquisition, maintenance, operation, and hire of*
7 *aircraft; not to exceed 358 commissioned officers on the ac-*
8 *tive list; grants, contracts, or other payments to nonprofit*
9 *organizations for the purposes of conducting activities pur-*
10 *suant to cooperative agreements; and alteration, moderniza-*
11 *tion, and relocation of facilities as authorized by 33 U.S.C.*
12 *883i; \$1,809,092,000, to remain available until expended:*
13 *Provided, That notwithstanding 31 U.S.C. 3302 but con-*
14 *sistent with other existing law, fees shall be assessed, col-*
15 *lected, and credited to this appropriation as offsetting col-*
16 *lections to be available until expended, to recover the costs*
17 *of administering aeronautical charting programs: Provided*
18 *further, That the sum herein appropriated from the general*
19 *fund shall be reduced as such additional fees are received*
20 *during fiscal year 1996, so as to result in a final general*
21 *fund appropriation estimated at not more than*
22 *\$1,806,092,000: Provided further, That any such additional*
23 *fees received in excess of \$3,000,000 in fiscal year 1996 shall*
24 *not be available for obligation until October 1, 1996: Pro-*
25 *vided further, That fees and donations received by the Na-*
26 *tional Ocean Service for the management of the national*

1 *marine sanctuaries may be retained and used for the sala-*
 2 *ries and expenses associated with those activities, notwith-*
 3 *standing 31 U.S.C. 3302: Provided further, That in addi-*
 4 *tion, \$62,000,000 shall be derived by transfer from the fund*
 5 *entitled “Promote and Develop Fishery Products and Re-*
 6 *search Pertaining to American Fisheries”: Provided fur-*
 7 *ther, That grants to States pursuant to sections 306 and*
 8 *306(a) of the Coastal Zone Management Act, as amended,*
 9 *shall not exceed \$2,000,000: Provided further, That the Na-*
 10 *tional Weather Service shall expend not more than \$700,000*
 11 *to operate and maintain agricultural weather service cen-*
 12 *ters.*

13 COASTAL ZONE MANAGEMENT FUND

14 *Of amounts collected pursuant to 16 U.S.C. 1456a, not*
 15 *to exceed \$7,800,000, for purposes set forth in 16 U.S.C.*
 16 *1456a(b)(2)(A), 16 U.S.C. 1456a(b)(2)(B)(v), and 16*
 17 *U.S.C. 1461(e).*

18 CONSTRUCTION

19 *For repair and modification of, and additions to, ex-*
 20 *isting facilities and construction of new facilities, and for*
 21 *facility planning and design and land acquisition not oth-*
 22 *erwise provided for the National Oceanic and Atmospheric*
 23 *Administration, \$50,000,000, to remain available until ex-*
 24 *pended.*

1 *FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION*

2 *For expenses necessary for the repair of vessels, includ-*
3 *ing related equipment to maintain the existing fleet for the*
4 *National Oceanic and Atmospheric Administration,*
5 *\$8,000,000, to remain available until expended.*

6 *FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND*

7 *For carrying out the provisions of section 3 of Public*
8 *Law 95–376, not to exceed \$1,032,000, to be derived from*
9 *receipts collected pursuant to 22 U.S.C. 1980 (b) and (f),*
10 *to remain available until expended.*

11 *FISHERMEN’S CONTINGENCY FUND*

12 *For carrying out the provisions of title IV of Public*
13 *Law 95–372, not to exceed \$999,000, to be derived from re-*
14 *ceipts collected pursuant to that Act, to remain available*
15 *until expended.*

16 *FOREIGN FISHING OBSERVER FUND*

17 *For expenses necessary to carry out the provisions of*
18 *the Atlantic Tunas Convention Act of 1975, as amended*
19 *(Public Law 96–339), the Magnuson Fishery Conservation*
20 *and Management Act of 1976, as amended (Public Law*
21 *100–627) and the American Fisheries Promotion Act (Pub-*
22 *lic Law 96–561), there are appropriated from the fees im-*
23 *posed under the foreign fishery observer program authorized*
24 *by these Acts, not to exceed \$196,000, to remain available*
25 *until expended.*

1 *FISHING VESSEL OBLIGATIONS GUARANTEES*

2 *For the cost, as defined in section 502 of the Federal*
3 *Credit Reform Act of 1990, of guaranteed loans authorized*
4 *by the Merchant Marine Act of 1936, as amended, \$250,000:*
5 *Provided, That none of the funds made available under this*
6 *heading may be used to guarantee loans for the purchase*
7 *of any new or existing fishing vessel.*

8 *TECHNOLOGY ADMINISTRATION*

9 *UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF*

10 *TECHNOLOGY POLICY*

11 *SALARIES AND EXPENSES*

12 *For necessary expenses for the Under Secretary for*
13 *Technology/Office of Technology Policy, \$5,000,000.*

14 *GENERAL ADMINISTRATION*

15 *SALARIES AND EXPENSES*

16 *For expenses necessary for the general administration*
17 *of the Department of Commerce provided for by law, includ-*
18 *ing not to exceed \$3,000 for official entertainment,*
19 *\$29,100,000.*

20 *OFFICE OF INSPECTOR GENERAL*

21 *For necessary expenses of the Office of Inspector Gen-*
22 *eral in carrying out the provisions of the Inspector General*
23 *Act of 1978, as amended (5 U.S.C. App. 1–11 as amended*
24 *by Public Law 100–504), \$19,849,000.*

1 *COMMERCE REORGANIZATION TRANSITION FUND*

2 *For deposit in the Commerce Reorganization Transi-*
3 *tion Fund established under section 206(c)(1) of this Act*
4 *for use in accordance with section 206(c)(4) of this Act,*
5 *\$20,000,000, in addition to amounts made available by*
6 *transfer, which amount shall remain available until ex-*
7 *pended: Provided, That of these funds \$4,000,000 shall be*
8 *remitted to the Office of Personnel Management for deposit*
9 *in the Treasury of the United States to the credit of the*
10 *Civil Service Retirement and Disability Fund.*

11 *GENERAL PROVISIONS—DEPARTMENT OF COMMERCE*

12 *SEC. 201. During the current fiscal year, applicable*
13 *appropriations and funds made available to the Depart-*
14 *ment of Commerce by this Act shall be available for the*
15 *activities specified in the Act of October 26, 1949 (15 U.S.C.*
16 *1514), to the extent and in the manner prescribed by the*
17 *Act, and, notwithstanding 31 U.S.C. 3324, may be used for*
18 *advanced payments not otherwise authorized only upon the*
19 *certification of officials designated by the Secretary that*
20 *such payments are in the public interest.*

21 *SEC. 202. During the current fiscal year, appropria-*
22 *tions made available to the Department of Commerce by*
23 *this Act for salaries and expenses shall be available for hire*
24 *of passenger motor vehicles as authorized by 31 U.S.C. 1343*
25 *and 1344; services as authorized by 5 U.S.C. 3109; and uni-*

1 *forms or allowances therefor, as authorized by law (5 U.S.C.*
2 *5901–5902).*

3 *SEC. 203. None of the funds made available by this*
4 *Act may be used to support the hurricane reconnaissance*
5 *aircraft and activities that are under the control of the*
6 *United States Air Force or the United States Air Force Re-*
7 *serve.*

8 *SEC. 204. None of the funds provided in this or any*
9 *previous Act, or hereinafter made available to the Depart-*
10 *ment of Commerce shall be available to reimburse the Un-*
11 *employment Trust Fund or any other fund or account of*
12 *the Treasury to pay for any expenses paid before October*
13 *1, 1992, as authorized by section 8501 of title 5, United*
14 *States Code, for services performed after April 20, 1990, by*
15 *individuals appointed to temporary positions within the*
16 *Bureau of the Census for purposes relating to the 1990 de-*
17 *cennial census of population.*

18 *SEC. 205. Not to exceed 5 percent of any appropriation*
19 *made available for the current fiscal year for the Depart-*
20 *ment of Commerce in this Act may be transferred between*
21 *such appropriations, but no such appropriation shall be in-*
22 *creased by more than 10 percent by any such transfers: Pro-*
23 *vided, That any transfer pursuant to this section shall be*
24 *treated as a reprogramming of funds under section 605 of*
25 *this Act and shall not be available for obligation or expendi-*

1 *ture except in compliance with the procedures set forth in*
 2 *that section.*

3 **SEC. 206. CONSOLIDATION OF FUNCTIONS OF COMMERCE**

4 **DEPARTMENT.**

5 *(a) CONSOLIDATION.—*

6 *(1) IN GENERAL.—Notwithstanding any other*
 7 *provision of law, the Director of the Office of Manage-*
 8 *ment and Budget shall, in consultation with the Sec-*
 9 *retary of Commerce—*

10 *(A) abolish, reorganize, consolidate, or*
 11 *transfer such functions that either receive fund-*
 12 *ing or are eliminated under this title as the Di-*
 13 *rector considers appropriate in order to meet the*
 14 *requirements and limitations set forth in this*
 15 *title; and*

16 *(B) terminate or transfer such personnel as-*
 17 *sociated with such functions as the Director con-*
 18 *siders appropriate in order to meet such require-*
 19 *ments and limitations.*

20 *(2) TRANSITION RULES.—The Director of the Of-*
 21 *fice of Management and Budget shall establish such*
 22 *rules and procedures relating to the abolishment, reor-*
 23 *ganization, consolidation, or transfer of functions*
 24 *under this subsection as the Director considers appro-*
 25 *priate, including rules and procedures relating to the*

1 *rights and responsibilities of personnel of the Govern-*
2 *ment terminated, transferred, or otherwise affected by*
3 *such the abolishment, reorganization, consolidation,*
4 *or transfer.*

5 *(b) BUY OUT AUTHORITY.—*

6 *(1) IN GENERAL.—The Secretary of Commerce*
7 *may, for such officers and employees as the Secretary*
8 *considers appropriate as part of the activities of the*
9 *Secretary under subsection (a), authorize a payment*
10 *to officers and employees who voluntarily separate on*
11 *or before December 15, 1995, whether by retirement or*
12 *resignation.*

13 *(2) PAYMENT REQUIREMENT.—Payment under*
14 *paragraph (1) shall be paid in accordance with the*
15 *provisions of sections 3 and 4 of the Federal*
16 *Workforce Restructuring Act of 1994 (Public Law*
17 *103–226; 108 Stat. 111), except that an employee of*
18 *the agency shall be deemed to be eligible for payment*
19 *of a voluntary separation incentive payment under*
20 *that section if the employee separates from service*
21 *with the agency during the period beginning on the*
22 *date of enactment of this Act and ending on December*
23 *15, 1995.*

24 *(3) FUNDING.—*

1 (A) *IN GENERAL.*—*The payment of vol-*
 2 *untary separation incentive payments under this*
 3 *subsection shall be made from funds in the Com-*
 4 *merce Reorganization Transition Fund estab-*
 5 *lished under subsection (c).*

6 (B) *PAYMENT DEPENDENT ON FUNDING.*—
 7 *The Secretary of Commerce may not pay vol-*
 8 *untary separation incentive payments under this*
 9 *subsection unless sufficient funds are available in*
 10 *the Commerce Reorganization Fund to cover the*
 11 *cost of such payments and the costs of any other*
 12 *payments (including payments or deposits to re-*
 13 *tirement systems) required in relation to such*
 14 *payments.*

15 (c) *COMMERCE REORGANIZATION TRANSITION*
 16 *FUND.*—

17 (1) *ESTABLISHMENT.*—*There is hereby estab-*
 18 *lished on the books of the Treasury an account to be*
 19 *known as the “Commerce Reorganization Transition*
 20 *Fund”.*

21 (2) *PURPOSE.*—*The purpose of the account is to*
 22 *provide funds for the following:*

23 (A) *To cover the costs of actions relating to*
 24 *the abolishment, reorganization, consolidation, or*
 25 *transfer of functions under subsection (a).*

1 (B) To the cover the costs of the payment of
 2 payments under subsection (b), including any
 3 payments or deposits to retirement systems re-
 4 quired in relation to such payment.

5 (3) *DEPOSITS*.—There shall be deposited into the
 6 account such sums as may be appropriated or trans-
 7 ferred to the account.

8 (4) *USE OF FUNDS*.—Sums in the account shall
 9 be available for the purpose set forth in paragraph
 10 (2).

11 (5) *REPORT ON ACCOUNT*.—Not later than Octo-
 12 ber 1, 1997, the Secretary of Commerce shall transmit
 13 to the Committees on Appropriations and Commerce,
 14 Science, and Transportation of the Senate and the
 15 Committees on Appropriations and Government Re-
 16 form and Oversight of the House of Representatives a
 17 report containing an accounting of the expenditures
 18 from the account established under this subsection.

19 **SEC. 207. REPORT ON THE DOPPLER WEATHER SURVEIL-**
 20 **LANCE RADAR.**

21 (a) *STUDY REQUIRED*.—The Secretary of Commerce
 22 shall conduct a study on the Doppler weather surveillance
 23 radar (WSR-88D). The study shall include the following
 24 elements:

1 (1) *An analysis of the property value lost by*
 2 *property owners within 5 miles of the weather surveil-*
 3 *lance radar as a result of the construction of the*
 4 *weather surveillance radar.*

5 (2) *A statement of the cost of relocating a weath-*
 6 *er surveillance radar to another location in any case*
 7 *in which the Department has been asked to inves-*
 8 *tigate such a relocation.*

9 (b) *REPORT.—The Secretary shall submit to Congress*
 10 *a report on the study required under section (a) not later*
 11 *than 90 days after the date of enactment of this Act.*

12 *SEC. 208. None of the funds appropriated under this*
 13 *Act or any other law shall be used to implement subsections*
 14 *(a), (b), (c), (e), (g), or (i) of section 4 of the Endangered*
 15 *Species Act of 1973 (16 U.S.C. 1533), until such time as*
 16 *legislation reauthorizing the Act is enacted or until the end*
 17 *of fiscal year 1996, whichever is earlier, except that monies*
 18 *appropriated under this Act may be used to delist or reclas-*
 19 *sify species pursuant to subsections 4(a)(2)(B),*
 20 *4(c)(2)(B)(i), and 4(c)(2)(B)(ii) of the Act.*

21 **SEC. 209. TRANSFER OF TITLE TO THE RUTLAND CITY IN-**
 22 **DUSTRIAL COMPLEX.**

23 *Notwithstanding any other provision of law (including*
 24 *any regulation and including the Public Works and Eco-*
 25 *nomic Development Act of 1965), the transfer of title to the*

1 *Rutland City Industrial Complex to Hilinex, Vermont (as*
2 *related to Economic Development Administration Project*
3 *Number 01-11-01742) shall not require compensation to*
4 *the Federal Government for the fair share of the Federal*
5 *Government of that real property.*

6 **SEC. 210. LAND TRANSFER.**

7 (a) *IN GENERAL.*—*The Secretary of Commerce, acting*
8 *through the Assistant Secretary for Economic Development*
9 *of the Department of Commerce, shall—*

10 (1) *not later than January 1, 1996, commence*
11 *the demolition of the structures on, and the cleanup*
12 *and environmental remediation on, the parcel of land*
13 *described in subsection (b);*

14 (2) *not later than March 31, 1996, complete the*
15 *demolition, cleanup, and environmental remediation*
16 *under paragraph (1); and*

17 (3) *not later than April 1, 1996, convey the par-*
18 *cel of land described in subsection (b), in accordance*
19 *with the requirements of section 120(h) of the Com-*
20 *prehensive Environmental Response, Compensation,*
21 *and Liability Act of 1980 (42 U.S.C. 9620(h)), to the*
22 *Tuscaloosa County Industrial Development Authority,*
23 *on receipt of payment of the fair market value for the*
24 *parcel by the Authority, as agreed on by the Secretary*
25 *and the Authority.*

1 (b) *LAND PARCEL.*—*The parcel of land referred to in*
 2 *subsection (a) is the parcel of land consisting of approxi-*
 3 *mately 41 acres in Holt, Alabama (in Tuscaloosa County),*
 4 *that is generally known as the “Central Foundry Property”,*
 5 *as depicted on a map, and as described in a legal descrip-*
 6 *tion, that the Secretary, acting through the Assistant Sec-*
 7 *retary for Economic Development, determines to be satisfac-*
 8 *tory.*

9 **SEC. 211. SENSE OF THE CONGRESS ON ECONOMIC DEVEL-**
 10 **OPMENT ADMINISTRATION.**

11 (a) *FINDINGS.*—*The Congress finds that—*

12 (1) *assistance from the Economic Development*
 13 *Administration (hereafter in this section referred to*
 14 *as the “EDA”) within the Department of Commerce*
 15 *is an investment in the economic vitality of the Unit-*
 16 *ed States;*

17 (2) *funding for the EDA within the Department*
 18 *of Commerce is reduced by almost 80 percent in this*
 19 *Act;*

20 (3) *the EDA serves a unique governmental func-*
 21 *tion by providing grants, which are matched by local*
 22 *funds, to distressed urban and rural areas that would*
 23 *not otherwise receive funding;*

24 (4) *every EDA \$1 invested generates \$3 in out-*
 25 *side investments, and during the past 30 years pre-*

1 ceding the date of enactment of this Act, the EDA has
2 invested more than \$15,600,000,000 in depressed com-
3 munities, creating 2,800,000 jobs in the United
4 States;

5 (5) the EDA is one of a very few governmental
6 agencies that assists communities impacted by mili-
7 tary base closings and defense downsizing;

8 (6) the EDA has—

9 (A) become a more efficient and effective
10 agency by reducing regulations by 60 percent;

11 (B) trimmed the period for application
12 processing down to a 60-day period; and

13 (C) reduced its operating expenses; and

14 (7) the House of Representatives, on July 26,
15 1995, voiced strong bipartisan support for the EDA
16 by a vote of 315 to 110.

17 (b) *SENSE OF THE CONGRESS.*—It is the sense of the
18 Congress that the appropriation for the EDA for fiscal year
19 1996 should be at the House of Representatives-passed level
20 of \$348,500,000.

21 This title may be cited as the “Department of Com-
22 merce and Related Agencies Appropriations Act, 1996”.

1 *TITLE III—THE JUDICIARY*
2 *SUPREME COURT OF THE UNITED STATES*
3 *SALARIES AND EXPENSES*

4 *For expenses necessary for the operation of the Su-*
5 *preme Court, as required by law, excluding care of the*
6 *building and grounds, including purchase or hire, driving,*
7 *maintenance and operation of an automobile for the Chief*
8 *Justice, not to exceed \$10,000 for the purpose of transport-*
9 *ing Associate Justices, and hire of passenger motor vehicles*
10 *as authorized by 31 U.S.C. 1343 and 1344; not to exceed*
11 *\$10,000 for official reception and representation expenses;*
12 *and for miscellaneous expenses, to be expended as the Chief*
13 *Justice may approve, \$25,834,000.*

14 *CARE OF THE BUILDING AND GROUNDS*
15 *For such expenditures as may be necessary to enable*
16 *the Architect of the Capitol to carry out the duties imposed*
17 *upon him by the Act approved May 7, 1934 (40 U.S.C.*
18 *13a–13b), \$3,313,000, of which \$565,000 shall remain*
19 *available until expended.*

20 *UNITED STATES COURT OF APPEALS FOR THE FEDERAL*
21 *CIRCUIT*

22 *SALARIES AND EXPENSES*

23 *For salaries of the chief judge, judges, and other officers*
24 *and employees, and for necessary expenses of the court, as*
25 *authorized by law, \$14,288,000.*

7 *COURTS OF APPEALS, DISTRICT COURTS, AND OTHER*
8 *JUDICIAL SERVICES*
9 *SALARIES AND EXPENSES*

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1 *papers, and all other legal reference materials, including*
 2 *subscriptions.*

3 *In addition, for expenses of the United States Court*
 4 *of Federal Claims associated with processing cases under*
 5 *the National Childhood Vaccine Injury Act of 1986, not to*
 6 *exceed \$2,318,000, to be appropriated from the Vaccine In-*
 7 *jury Compensation Trust Fund.*

8 *VIOLENT CRIME REDUCTION PROGRAMS*

9 *For activities of the Federal Judiciary as authorized*
 10 *by law, \$30,000,000, to remain available until expended,*
 11 *which shall be derived from the Violent Crime Reduction*
 12 *Trust Fund, as authorized by section 190001(a) of Public*
 13 *Law 103–322.*

14 *DEFENDER SERVICES*

15 *For the operation of Federal Public Defender and*
 16 *Community Defender organizations, the compensation and*
 17 *reimbursement of expenses of attorneys appointed to rep-*
 18 *resent persons under the Criminal Justice Act of 1964, as*
 19 *amended, the compensation and reimbursement of expenses*
 20 *of persons furnishing investigative, expert and other services*
 21 *under the Criminal Justice Act (18 U.S.C. 3006A(e)), the*
 22 *compensation (in accordance with Criminal Justice Act*
 23 *maximums) and reimbursement of expenses of attorneys ap-*
 24 *pointed to assist the court in criminal cases where the de-*
 25 *fendant has waived representation by counsel, the com-*
 26 *ensation and reimbursement of travel expenses of guard-*

1 *ians ad litem acting on behalf of financially eligible minor*
 2 *or incompetent offenders in connection with transfers from*
 3 *the United States to foreign countries with which the Unit-*
 4 *ed States has a treaty for the execution of penal sentences,*
 5 *and the compensation of attorneys appointed to represent*
 6 *jurors in civil actions for the protection of their employ-*
 7 *ment, as authorized by 28 U.S.C. 1875(d), \$274,433,000,*
 8 *to remain available until expended as authorized by 18*
 9 *U.S.C. 3006A(i): Provided, That none of the funds provided*
 10 *in this Act shall be available for Death Penalty Resource*
 11 *Centers or Post-Conviction Defender Organizations after*
 12 *April 1, 1996.*

13 *FEES OF JURORS AND COMMISSIONERS*

14 *For fees and expenses of jurors as authorized by 28*
 15 *U.S.C. 1871 and 1876; compensation of jury commissioners*
 16 *as authorized by 28 U.S.C. 1863; and compensation of com-*
 17 *missioners appointed in condemnation cases pursuant to*
 18 *rule 71A(h) of the Federal Rules of Civil Procedure (28*
 19 *U.S.C. Appendix Rule 71A(h)); \$59,028,000, to remain*
 20 *available until expended: Provided, That the compensation*
 21 *of land commissioners shall not exceed the daily equivalent*
 22 *of the highest rate payable under section 5332 of title 5,*
 23 *United States Code.*

24 *COURT SECURITY*

25 *For necessary expenses, not otherwise provided for, in-*
 26 *cident to the procurement, installation, and maintenance*

1 *of security equipment and protective services for the United*
2 *States Courts in courtrooms and adjacent areas, including*
3 *building ingress-egress control, inspection of packages, di-*
4 *rected security patrols, and other similar activities as au-*
5 *thorized by section 1010 of the Judicial Improvement and*
6 *Access to Justice Act (Public Law 100–702); \$102,000,000,*
7 *to be expended directly or transferred to the United States*
8 *Marshals Service which shall be responsible for administer-*
9 *ing elements of the Judicial Security Program consistent*
10 *with standards or guidelines agreed to by the Director of*
11 *the Administrative Office of the United States Courts and*
12 *the Attorney General.*

13 *ADMINISTRATIVE OFFICE OF THE UNITED STATES*

14 *COURTS*

15 *SALARIES AND EXPENSES*

16 *For necessary expenses of the Administrative Office of*
17 *the United States Courts as authorized by law, including*
18 *travel as authorized by 31 U.S.C. 1345, hire of a passenger*
19 *motor vehicle as authorized by 31 U.S.C. 1343(b), advertis-*
20 *ing and rent in the District of Columbia and elsewhere,*
21 *\$47,500,000, of which not to exceed \$7,500 is authorized*
22 *for official reception and representation expenses.*

1 *FEDERAL JUDICIAL CENTER*

2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the Federal Judicial Center,*
4 *as authorized by Public Law 90–219, \$17,000,000; of which*
5 *\$1,800,000 shall remain available through September 30,*
6 *1997, to provide education and training to Federal court*
7 *personnel; and of which not to exceed \$1,000 is authorized*
8 *for official reception and representation expenses.*

9 *JUDICIAL RETIREMENT FUNDS*

10 *PAYMENT TO JUDICIARY TRUST FUNDS*

11 *For payment to the Judicial Officers' Retirement*
12 *Fund, as authorized by 28 U.S.C. 377(o), \$24,000,000, to*
13 *the Judicial Survivors' Annuities Fund, as authorized by*
14 *28 U.S.C. 376(c), \$7,000,000, and to the United States*
15 *Court of Federal Claims Judges' Retirement Fund, as au-*
16 *thorized by 28 U.S.C. 178(l), \$1,900,000.*

17 *UNITED STATES SENTENCING COMMISSION*

18 *SALARIES AND EXPENSES*

19 *For the salaries and expenses necessary to carry out*
20 *the provisions of chapter 58 of title 28, United States Code,*
21 *\$8,500,000, of which not to exceed \$1,000 is authorized for*
22 *official reception and representation expenses.*

1 *GENERAL PROVISIONS—THE JUDICIARY*

2 *SEC. 301. Appropriations and authorizations made in*
3 *this title which are available for salaries and expenses shall*
4 *be available for services as authorized by 5 U.S.C. 3109.*

5 *SEC. 302. Appropriations made in this title shall be*
6 *available for salaries and expenses of the Special Court es-*
7 *tablished under the Regional Rail Reorganization Act of*
8 *1973, Public Law 93-236.*

9 *SEC. 303. Not to exceed 5 percent of any appropriation*
10 *made available for the current fiscal year for the Judiciary*
11 *in this Act may be transferred between such appropriations,*
12 *but no such appropriation, except as otherwise specifically*
13 *provided, shall be increased by more than 10 percent by*
14 *any such transfers: Provided, That any transfer pursuant*
15 *to this section shall be treated as a reprogramming of funds*
16 *under section 605 of this Act and shall not be available for*
17 *obligation or expenditure except in compliance with the*
18 *procedures set forth in that section.*

19 *SEC. 304. Notwithstanding any other provision of law,*
20 *the salaries and expenses appropriation for district courts,*
21 *courts of appeals, and other judicial services shall be avail-*
22 *able for official reception and representation expenses of the*
23 *Judicial Conference of the United States: Provided, That*
24 *such available funds shall not exceed \$10,000 and shall be*
25 *administered by the Director of the Administrative Office*

1 *of the United States Courts in his capacity as Secretary*
2 *of the Judicial Conference.*

3 *SEC. 305. (a) Notwithstanding any other provision of*
4 *law, none of the funds made available under this title shall*
5 *be used for any conference or meeting authorized under sec-*
6 *tion 333 of title 28, United States Code, if such conference*
7 *or meeting takes place at a location outside the geographic*
8 *boundaries of the circuit court of appeals over which the*
9 *chief judge presides, except in the case of the Court of Ap-*
10 *peals for the District of Columbia Circuit, which shall be*
11 *permitted to host conferences or meetings within a 50 mile*
12 *radius of the District of Columbia without regard to the*
13 *geographic boundaries of the circuit.*

14 *(b) Of the funds appropriated under this title, no cir-*
15 *cuit shall receive more than \$100,000 for conferences con-*
16 *vened under section 333 of title 28, United States Code, dur-*
17 *ing any year.*

18 *SEC. 306. (a) Section 333 of title 28, United States*
19 *Code, is amended—*

20 *(1) in the first paragraph, by striking “shall”*
21 *the first, second, and fourth place it appears and in-*
22 *serting “may”; and*

23 *(2) in the second paragraph—*

24 *(A) by striking “shall” the first place it ap-*
25 *pears and inserting “may”; and*

1 (B) by striking “, and unless excused by the
2 chief judge, shall remain throughout the con-
3 ference”.

4 (b) In the interest of saving taxpayer dollars and re-
5 ducing the cost of Government, it is the sense of the Senate
6 that the chief judges of the various United States circuit
7 courts should use new communications technologies to con-
8 duct judicial conferences.

9 (c) This section shall apply only to contracts entered
10 into after the date of enactment of this Act.

11 **SEC. 307. DISAPPROVAL OF AMENDMENTS RELATING TO**
12 **LOWERING OF CRACK SENTENCES AND SEN-**
13 **TENCES FOR MONEY LAUNDERING AND**
14 **TRANSACTIONS IN PROPERTY DERIVED FROM**
15 **UNLAWFUL ACTIVITY.**

16 In accordance with section 994(p) of title 28, United
17 States Code, amendments numbered 5 and 18 of the
18 “Amendments to the Sentencing Guidelines, Policy State-
19 ments, and Official Commentary”, submitted by the United
20 States Sentencing Commission to Congress on May 1, 1995,
21 are hereby disapproved and shall not take effect.

22 SEC. 308. Of the funds made available under this Act
23 or any other Act, no funds shall be expended by the Director
24 of the Administrative Office of the United States Courts to
25 implement the National Fine Center prior to March 1,

1 1996, except for the funds necessary to maintain National
 2 Fine Center services at their current level, to complete the
 3 conversion of existing cases for the courts participating in
 4 the National Fine Center as of the date of enactment of this
 5 Act, and to complete the Linked Area network pilot projects
 6 in progress as of the date of enactment of this Act.

7 This title may be cited as “The Judiciary Appropria-
 8 tions Act, 1996”.

9 **TITLE IV—DEPARTMENT OF STATE AND**
 10 **RELATED AGENCIES**

11 **DEPARTMENT OF STATE**

12 **ADMINISTRATION OF FOREIGN AFFAIRS**

13 **DIPLOMATIC AND CONSULAR PROGRAMS**

14 For necessary expenses of the Department of State and
 15 the Foreign Service not otherwise provided for, including
 16 expenses authorized by the State Department Basic Au-
 17 thorities Act of 1956, as amended; representation to certain
 18 international organizations in which the United States
 19 participates pursuant to treaties, ratified pursuant to the
 20 advice and consent of the Senate, or specific Acts of Con-
 21 gress; acquisition by exchange or purchase of passenger
 22 motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C.
 23 481(c) and 22 U.S.C. 2674; and for expenses of general ad-
 24 ministration \$1,687,800,000: Provided, That, notwith-
 25 standing the second sentence of section 140(a)(3) of the For-

1 *ign Relations Authorization Act, Fiscal Years 1994 and*
2 *1995 (Public Law 103–236), not to exceed \$125,000,000 of*
3 *fees may be collected during fiscal year 1996 under the au-*
4 *thority of section 140(a)(1) of that Act: Provided further,*
5 *That all fees collected under the preceding proviso shall be*
6 *deposited in fiscal year 1996 as an offsetting collection to*
7 *appropriations made under this heading to recover the costs*
8 *of providing consular services and shall remain available*
9 *until expended: Provided further, That starting in fiscal*
10 *year 1997, a system shall be in place that allocates to each*
11 *department and agency the full cost of its presence outside*
12 *of the United States: Provided further, That by May 31,*
13 *1996, the State Department will report to the President and*
14 *to Congress on potential cost savings generated by extending*
15 *foreign service officer tours of duty in nations for which*
16 *the State Department requires two-year language study*
17 *programs, but specifically including China, Korea, and*
18 *Japan. This study should consider extending terms on the*
19 *following basis: junior officers from the current two year*
20 *maximum term to a three-year tour; and mid to senior for-*
21 *ign service officers from the current three year minimum*
22 *term to four year minimum with a possible employee-initi-*
23 *ated one year extension.*

24 *Of the funds provided under this heading, \$24,856,000*
25 *shall be available only for the Diplomatic Telecommuni-*

1 cations Service for operation of existing base services and
2 not to exceed \$17,144,000 shall be available only for the en-
3 hancement of the Diplomatic Telecommunications Service
4 (DTS), except that such latter amount shall not be available
5 for obligation until the expiration of the 15-day period be-
6 ginning on the date on which the Secretary of State and
7 the Director of the Diplomatic Telecommunications Service
8 Program Office submit the DTS pilot program report re-
9 quired by section 507 of Public Law 103–317.

10 In addition, not to exceed \$700,000 in registration fees
11 collected pursuant to section 38 of the Arms Export Control
12 Act, as amended, may be used in accordance with section
13 45 of the State Department Basic Authorities Act of 1956,
14 22 U.S.C. 2717; and in addition not to exceed \$1,223,000
15 shall be derived from fees from other executive agencies for
16 lease or use of facilities located at the International Center
17 in accordance with section 4 of the International Center
18 Act (Public Law 90–553, as amended by section 120 of Pub-
19 lic Law 101–246); and in addition not to exceed \$15,000
20 which shall be derived from reimbursements, surcharges,
21 and fees for use of Blair House facilities in accordance with
22 section 46 of the State Department Basic Authorities Act
23 of 1956 (22 U.S.C. 2718(a)).

24 Notwithstanding section 402 of this Act, not to exceed
25 20 percent of the amounts made available in this Act in

1 the appropriation accounts, “Diplomatic and Consular
 2 Programs” and “Salaries and Expenses” under the heading
 3 “Administration of Foreign Affairs” may be transferred be-
 4 tween such appropriation accounts: Provided, That any
 5 transfer pursuant to this section shall be treated as a
 6 reprogramming of funds under section 605 of this Act and
 7 shall not be available for obligation or expenditure except
 8 in compliance with the procedures set forth in that section.

9 For an additional amount for security enhancements,
 10 to counter the threat of terrorism, \$9,720,000, to remain
 11 available until expended.

12 SALARIES AND EXPENSES

13 For expenses necessary for the general administration
 14 of the Department of State and the Foreign Service, pro-
 15 vided for by law, including expenses authorized by section
 16 9 of the Act of August 31, 1964, as amended (31 U.S.C.
 17 3721), and the State Department Basic Authorities Act of
 18 1956, as amended, \$368,000,000.

19 For an additional amount for security enhancements
 20 to counter the threat of terrorism, \$1,870,000, to remain
 21 available until expended.

22 FOREIGN AFFAIRS REORGANIZATION TRANSITION FUND

23 For deposit in the Foreign Affairs Reorganization
 24 Transition Fund established under section 404(c)(1) of this
 25 Act for use in accordance with section 404(c)(4) of this Act,
 26 \$5,000,000 to remain available until expended: Provided,

1 *That of these funds, \$3,000,000 shall be remitted to the Of-*
 2 *fice of Personnel Management for deposit in the Treasury*
 3 *of the United States to the credit of the Civil Service Retire-*
 4 *ment and Disability Fund: Provided further, That of these*
 5 *funds \$1,000,000 shall be remitted to the Office of Personnel*
 6 *Management for deposit in the Treasury of the United*
 7 *States to the credit of the Foreign Service Retirement and*
 8 *Disability Fund.*

9 *CAPITAL INVESTMENT FUND*

10 *For necessary expenses of the Capital Investment*
 11 *Fund, \$16,400,000, to remain available until expended, as*
 12 *authorized in Public Law 103-236: Provided, That section*
 13 *135(e) of Public Law 103-236 shall not apply to funds ap-*
 14 *propriated under this heading.*

15 *OFFICE OF INSPECTOR GENERAL*

16 *For necessary expenses of the Office of Inspector Gen-*
 17 *eral in carrying out the provisions of the Inspector General*
 18 *Act of 1978, as amended (5 U.S.C. App.), \$24,350,000: Pro-*
 19 *vided, That notwithstanding any other provision of law, (1)*
 20 *the Office of the Inspector General of the United States In-*
 21 *formation Agency is hereby merged with the Office of the*
 22 *Inspector General of the Department of State; (2) the func-*
 23 *tions exercised and assigned to the Office of the Inspector*
 24 *General of the United States Information Agency before the*
 25 *effective date of this Act (including all related functions)*
 26 *are transferred to the Office of the Inspector General of the*

1 *Department of State; and (3) the Inspector General of the*
 2 *Department of State shall also serve as the Inspector Gen-*
 3 *eral of the United States Information Agency.*

4 *REPRESENTATION ALLOWANCES*

5 *For representation allowances as authorized by section*
 6 *905 of the Foreign Service Act of 1980, as amended (22*
 7 *U.S.C. 4085), \$4,500,000.*

8 *PROTECTION OF FOREIGN MISSIONS AND OFFICIALS*

9 *For expenses, not otherwise provided, to enable the Sec-*
 10 *retary of State to provide for extraordinary protective serv-*
 11 *ices in accordance with the provisions of section 214 of the*
 12 *State Department Basic Authorities Act of 1956 (22 U.S.C.*
 13 *4314) and 3 U.S.C. 208, \$8,579,000.*

14 *ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD*

15 *For necessary expenses for carrying out the Foreign*
 16 *Service Buildings Act of 1926, as amended (22 U.S.C. 292–*
 17 *300), and the Diplomatic Security Construction Program*
 18 *as authorized by title IV of the Omnibus Diplomatic Secu-*
 19 *rity and Antiterrorism Act of 1986 (22 U.S.C. 4851),*
 20 *\$369,860,000, to remain available until expended as au-*
 21 *thorized by 22 U.S.C. 2696(c): Provided, That none of the*
 22 *funds appropriated in this paragraph shall be available for*
 23 *acquisition of furniture and furnishings and generators for*
 24 *other departments and agencies.*

11 *REPATRIATION LOANS PROGRAM ACCOUNT*

20 *PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN*

23 *PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND*
24 *DISABILITY FUND*

HR 2076 EAS

1 *INTERNATIONAL ORGANIZATIONS AND CONFERENCES*2 *CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS*

3 *For expenses, not otherwise provided for, necessary to*
4 *meet annual obligations of membership in international*
5 *multilateral organizations, pursuant to treaties ratified*
6 *pursuant to the advice and consent of the Senate, conven-*
7 *tions or specific Acts of Congress, \$550,000,000: Provided,*
8 *That any payment of arrearages shall be directed toward*
9 *special activities that are mutually agreed upon by the*
10 *United States and the respective international organiza-*
11 *tion: Provided further, That 20 percent of the funds appro-*
12 *priated in this paragraph for the assessed contribution of*
13 *the United States to the United Nations shall be withheld*
14 *from obligation and expenditure until a certification is*
15 *made under section 401(b) of Public Law 103–236 for fiscal*
16 *year 1996: Provided further, That certification under sec-*
17 *tion 401(b) of Public Law 103–236 for fiscal year 1996 may*
18 *only be made if the Committees on Appropriations and For-*
19 *eign Relations of the Senate and the Committees on Appro-*
20 *priations and International Relations of the House of Rep-*
21 *resentatives are notified of the steps taken, and anticipated,*
22 *to meet the requirements of section 401(b) of Public Law*
23 *103–236 at least 15 days in advance of the proposed certifi-*
24 *cation: Provided further, That none of the funds appro-*
25 *priated in this paragraph shall be available for a United*

1 *States contribution to an international organization for the*
 2 *United States share of interest costs made known to the*
 3 *United States Government by such organization for loans*
 4 *incurred on or after October 1, 1984, through external bor-*
 5 *rowings: Provided further, That funds appropriated or oth-*
 6 *erwise made available under this heading may be available*
 7 *for the International Labor Organization.*

8 *CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING*

9 *ACTIVITIES*

10 *For necessary expenses to pay assessed and other ex-*
 11 *penses of international peacekeeping activities directed to*
 12 *the maintenance or restoration of international peace and*
 13 *security, \$225,000,000: Provided, That none of the funds*
 14 *made available under this Act may be used, and shall not*
 15 *be available, for obligation or expenditure for any new or*
 16 *expanded United Nations peacekeeping mission unless, at*
 17 *least fifteen days in advance of voting for the new or ex-*
 18 *panded mission in the United Nations Security Council (or*
 19 *in an emergency, as far in advance as is practicable), (1)*
 20 *the Committees on Appropriations of the House of Rep-*
 21 *resentatives and the Senate and other appropriate Commit-*
 22 *tees of the Congress are notified of the estimated cost and*
 23 *length of the mission, the vital national interest that will*
 24 *be served, and the planned exit strategy; and (2) a*
 25 *reprogramming of funds pursuant to section 605 of this Act*
 26 *is submitted, and the procedures therein followed, setting*

1 *forth the source of funds that will be used to pay for the*
 2 *cost of the new or expanded mission: Provided further, That*
 3 *funds shall be available for peacekeeping expenses only upon*
 4 *a certification by the Secretary of State to the appropriate*
 5 *committees of the Congress that American manufacturers*
 6 *and suppliers are being given opportunities to provide*
 7 *equipment, services and material for United Nations peace-*
 8 *keeping activities equal to those being given to foreign man-*
 9 *ufacturers and suppliers.*

10 *INTERNATIONAL CONFERENCES AND CONTINGENCIES*

11 *For necessary expenses authorized by section 5 of the*
 12 *State Department Basic Authorities Act of 1956, in addi-*
 13 *tion to funds otherwise available for these purposes, con-*
 14 *tributions for the United States share of general expenses*
 15 *of international organizations and conferences and rep-*
 16 *resentation to such organizations and conferences as pro-*
 17 *vided for by 22 U.S.C. 2656 and 2672 and personal services*
 18 *without regard to civil service and classification laws as*
 19 *authorized by 5 U.S.C. 5102, \$3,000,000, to remain avail-*
 20 *able until expended as authorized by 22 U.S.C. 2696(c), of*
 21 *which not to exceed \$200,000 may be expended for represen-*
 22 *tation as authorized by 22 U.S.C. 4085.*

23 *INTERNATIONAL COMMISSIONS*

24 *For necessary expenses, not otherwise provided for, to*
 25 *meet obligations of the United States arising under treaties,*
 26 *or specific Acts of Congress, as follows:*

1 *INTERNATIONAL BOUNDARY AND WATER COMMISSION,*
2 *UNITED STATES AND MEXICO*

3 *For necessary expenses for the United States Section*
4 *of the International Boundary and Water Commission,*
5 *United States and Mexico, and to comply with laws appli-*
6 *cable to the United States Section, including not to exceed*
7 *\$6,000 for representation; as follows:*

8 *SALARIES AND EXPENSES*

9 *For salaries and expenses, not otherwise provided for,*
10 *\$11,500,000.*

11 *CONSTRUCTION*

12 *For detailed plan preparation and construction of au-*
13 *thorized projects, \$8,000,000, to remain available until ex-*
14 *pende as authorized by 22 U.S.C. 2696(c).*

15 *AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS*

16 *For necessary expenses, not otherwise provided for the*
17 *International Joint Commission and the International*
18 *Boundary Commission, United States and Canada, as au-*
19 *thorized by treaties between the United States and Canada*
20 *or Great Britain, and for the Border Environment Coopera-*
21 *tion Commission as authorized by Public Law 103-182;*
22 *\$5,800,000, of which not to exceed \$9,000 shall be available*
23 *for representation expenses incurred by the International*
24 *Joint Commission.*

1 *INTERNATIONAL FISHERIES COMMISSIONS*

2 *For necessary expenses for international fisheries com-*
3 *missions, not otherwise provided for, as authorized by law,*
4 *\$15,119,000: Provided, That the United States share of such*
5 *expenses may be advanced to the respective commissions,*
6 *pursuant to 31 U.S.C. 3324.*

7 *RELATED AGENCIES*

8 *ARMS CONTROL AND DISARMAMENT AGENCY*

9 *ARMS CONTROL AND DISARMAMENT ACTIVITIES*

10 *For necessary expenses not otherwise provided, for*
11 *arms control, nonproliferation, and disarmament activities,*
12 *\$22,700,000, of which not to exceed \$50,000 shall be for offi-*
13 *cial reception and representation expenses as authorized by*
14 *the Act of September 26, 1961, as amended (22 U.S.C. 2551*
15 *et seq.).*

16 *UNITED STATES INFORMATION AGENCY*

17 *SALARIES AND EXPENSES*

18 *For expenses, not otherwise provided for, necessary to*
19 *enable the United States Information Agency, as authorized*
20 *by the Mutual Educational and Cultural Exchange Act of*
21 *1961, as amended (22 U.S.C. 2451 et seq.), the United*
22 *States Information and Educational Exchange Act of 1948,*
23 *as amended (22 U.S.C. 1431 et seq.) and Reorganization*
24 *Plan No. 2 of 1977 (91 Stat. 1636), to carry out inter-*
25 *national communication, educational and cultural activi-*

1 *ties; and to carry out related activities authorized by law,*
 2 *including employment, without regard to civil service and*
 3 *classification laws, of persons on a temporary basis (not*
 4 *to exceed \$700,000 of this appropriation), as authorized by*
 5 *22 U.S.C. 1471, and entertainment, including official re-*
 6 *ceptions, within the United States, not to exceed \$25,000*
 7 *as authorized by 22 U.S.C. 1474(3); \$429,000,000: Pro-*
 8 *vided, That not to exceed \$1,400,000 may be used for rep-*
 9 *resentation abroad as authorized by 22 U.S.C. 1452 and*
 10 *4085: Provided further, That not to exceed \$7,615,000 to*
 11 *remain available until expended, may be credited to this*
 12 *appropriation from fees or other payments received from*
 13 *or in connection with English teaching, library, motion pic-*
 14 *tures, and publication programs as authorized by section*
 15 *810 of the United States Information and Educational Ex-*
 16 *change Act of 1948, as amended: Provided further, That not*
 17 *to exceed \$1,700,000 to remain available until expended*
 18 *may be used to carry out projects involving security con-*
 19 *struction and related improvements for agency facilities not*
 20 *physically located together with Department of State facili-*
 21 *ties abroad.*

TECHNOLOGY FUND

23 *For expenses necessary to enable the United States In-*
 24 *formation Agency to provide for the procurement of infor-*
 25 *mation technology improvements, as authorized by the*
 26 *United States Information and Educational Exchange Act*

1 of 1948, as amended (22 U.S.C. 1431 et seq.), the Mutual
 2 Educational and Cultural Exchange Act of 1961, as amend-
 3 ed (22 U.S.C. 2451 et seq.), and Reorganization Plan No.
 4 2 of 1977 (91 Stat. 1636), \$5,050,000, to remain available
 5 until expended.

6 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

7 For expenses of educational and cultural exchange pro-
 8 grams, as authorized by the Mutual Educational and Cul-
 9 tural Exchange Act of 1961, as amended (22 U.S.C. 2451
 10 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat.
 11 1636), \$210,000,000, to remain available until expended as
 12 authorized by 22 U.S.C. 2455.

13 EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST
 14 FUND

15 For necessary expenses of Eisenhower Exchange Fel-
 16 lowships, Incorporated as authorized by sections 4 and 5
 17 of the Eisenhower Exchange Fellowship Act of 1990 (20
 18 U.S.C. 5204–05), all interest and earnings accruing to the
 19 Eisenhower Exchange Fellowship Program Trust Fund on
 20 or before September 30, 1996, to remain available until ex-
 21 pended: Provided, That none of the funds appropriated
 22 herein shall be used to pay any salary or other compensa-
 23 tion, or to enter into any contract providing for the pay-
 24 ment thereof, in excess of the rate authorized by 5 U.S.C.
 25 5376; or for purposes which are not in accordance with
 26 OMB Circulars A–110 (Uniform Administrative Require-

1 ments) and A-122 (Cost Principles for Non-profit Organi-
 2 zations), including the restrictions on compensation for per-
 3 sonal services.

4 *ISRAELI ARAB SCHOLARSHIP PROGRAM*

5 *For necessary expenses of the Israeli Arab Scholarship*
 6 *Program as authorized by section 214 of the Foreign Rela-*
 7 *tions Authorization Act, Fiscal Years 1992 and 1993 (22*
 8 *U.S.C. 2452), all interest and earnings accruing to the Is-*
 9 *raeli Arab Scholarship Fund on or before September 30,*
 10 *1996, to remain available until expended.*

11 *AMERICAN STUDIES COLLECTIONS ENDOWMENT FUND*

12 *For necessary expenses of American Studies Collections*
 13 *as authorized by section 235 of the Foreign Relations Au-*
 14 *thorization Act, Fiscal Years 1994 and 1995, all interest*
 15 *and earnings accruing to the American Studies Collections*
 16 *Endowment Fund on or before September 30, 1996, to re-*
 17 *main available until expended.*

18 *INTERNATIONAL BROADCASTING OPERATIONS*

19 *For expenses necessary to enable the United States In-*
 20 *formation Agency, as authorized by the United States Infor-*
 21 *mation and Educational Exchange Act of 1948, as amend-*
 22 *ed, the United States International Broadcasting Act of*
 23 *1994, as amended, and Reorganization Plan No. 2 of 1977,*
 24 *to carry out international communication activities;*
 25 *\$294,191,000, of which \$5,000,000 shall remain available*
 26 *until expended, not to exceed \$16,000 may be used for offi-*

1 cial receptions within the United States as authorized by
 2 22 U.S.C. 1474(3), not to exceed \$35,000 may be used for
 3 representation abroad as authorized by 22 U.S.C. 1452 and
 4 4085, and not to exceed \$29,000,000 may be used for nec-
 5 essary expenses of Radio Free Europe/Radio Liberty, of
 6 which not more than \$39,000 may be used for official recep-
 7 tion and representation expenses of Radio Free Europe/
 8 Radio Liberty; and in addition, not to exceed \$250,000
 9 from fees as authorized by section 810 of the United States
 10 Information and Educational Exchange Act of 1948, as
 11 amended, to remain available until expended for carrying
 12 out authorized purposes

13 *BROADCASTING TO CUBA*

14 *For expenses necessary to enable the United States In-*
 15 *formation Agency to carry out the Radio Broadcasting to*
 16 *Cuba Act, as amended, the Television Broadcasting to Cuba*
 17 *Act, and the International Broadcasting Act of 1994, in-*
 18 *cluding the purchase, rent, construction, and improvement*
 19 *of facilities for radio and television transmission and recep-*
 20 *tion, and purchase and installation of necessary equipment*
 21 *for radio and television transmission and reception,*
 22 *\$24,809,000 to remain available until expended: Provided,*
 23 *That funds may be used to purchase or lease, maintain,*
 24 *and operate such aircraft (including aerostats) as may be*
 25 *required to house and operate necessary television broad-*
 26 *casting equipment: Provided further, That not later than*

1 *April 1, 1996, the headquarters of the Office of Cuba Broad-*
2 *casting shall be relocated from Washington, D.C. to south*
3 *Florida, and that any funds available to the United States*
4 *Information Agency may be available to carry out this relo-*
5 *cation.*

6 *RADIO CONSTRUCTION*

7 *For an additional amount for the purchase, rent, con-*
8 *struction, and improvement of facilities for radio trans-*
9 *mission and reception and purchase and installation of nec-*
10 *essary equipment for radio and television transmission and*
11 *reception as authorized by 22 U.S.C. 1471, \$22,000,000, to*
12 *remain available until expended as authorized by 22 U.S.C.*
13 *1477b(a).*

14 *EAST-WEST CENTER*

15 *To enable the Director of the United States Informa-*
16 *tion Agency to provide for carrying out the provisions of*
17 *the Center for Cultural and Technical Interchange Between*
18 *East and West Act of 1960 (22 U.S.C. 2054–2057), by grant*
19 *to the Center for Cultural and Technical Interchange Be-*
20 *tween East and West in the State of Hawaii, \$18,000,000:*
21 *Provided, That none of the funds appropriated herein shall*
22 *be used to pay any salary, or enter into any contract pro-*
23 *viding for the payment thereof, in excess of the rate author-*
24 *ized by 5 U.S.C. 5376.*

1 *NORTH/SOUTH CENTER*

2 *To enable the Director of the United States Informa-*
 3 *tion Agency to provide for carrying out the provisions of*
 4 *the North/South Center Act of 1991 (22 U.S.C. 2075), by*
 5 *grant to an educational institution in Florida known as*
 6 *the North/South Center, \$4,000,000, to remain available*
 7 *until expended.*

8 *NATIONAL ENDOWMENT FOR DEMOCRACY*

9 *For grants made by the United States Information*
 10 *Agency to the National Endowment for Democracy as au-*
 11 *thorized by the National Endowment for Democracy Act,*
 12 *\$30,000,000, to remain available until expended.*

13 *GENERAL PROVISIONS—DEPARTMENT OF STATE*

14 *SEC. 401. Funds appropriated under this title shall*
 15 *be available, except as otherwise provided, for allowances*
 16 *and differentials as authorized by subchapter 59 of 5*
 17 *U.S.C.; for services as authorized by 5 U.S.C. 3109; and*
 18 *hire of passenger transportation pursuant to 31 U.S.C.*
 19 *1343(b).*

20 *SEC. 402. Not to exceed 5 percent of any appropriation*
 21 *made available for the current fiscal year for the Depart-*
 22 *ment of State in this Act may be transferred between such*
 23 *appropriations, but no such appropriation, except as other-*
 24 *wise specifically provided, shall be increased by more than*
 25 *10 percent by any such transfers: Provided, That not to ex-*
 26 *ceed 5 percent of any appropriation made available for the*

1 *current fiscal year for the United States Information Agen-*
 2 *cy in this Act may be transferred between such appropria-*
 3 *tions, but no such appropriation, except as otherwise spe-*
 4 *cifically provided, shall be increased by more than 10 per-*
 5 *cent by any such transfers: Provided further, That any*
 6 *transfer pursuant to this section shall be treated as a*
 7 *reprogramming of funds under section 605 of this Act and*
 8 *shall not be available for obligation or expenditure except*
 9 *in compliance with the procedures set forth in that section.*

10 *SEC. 403. Funds appropriated or otherwise made*
 11 *available under this Act or any other Act may be expended*
 12 *for compensation of the United States Commissioner of the*
 13 *International Boundary Commission, United States and*
 14 *Canada, only for actual hours worked by such Commis-*
 15 *sioner.*

16 **SEC. 404. CONSOLIDATION OF REDUNDANT FOREIGN RELA-**
 17 **TIONS FUNCTIONS.**

18 *(a) CONSOLIDATION OF FUNCTIONS.—*

19 *(1) CONSOLIDATION OF FUNCTIONS OF STATE*
 20 *DEPARTMENT, USIA, AND ACDA.—Notwithstanding*
 21 *any other provision of law, the Director of the Office*
 22 *of Management and Budget shall, in consultation*
 23 *with the Secretary of State, the Director of the United*
 24 *States Information Agency and the Director of the*
 25 *Arms Control and Disarmament Agency—*

1 (A) identify the functions carried out by the
2 Department of State, by the United States Infor-
3 mation Agency, and the Arms Control and Dis-
4 armament Agency that are redundant by reason
5 of being carried out, in whole or in part, by two
6 or more of these entities; and

7 (B) take appropriate actions to eliminate
8 the redundancy in such functions.

9 (2) SCOPE OF CONSOLIDATION.—In carrying out
10 the requirements of paragraph (1), the Director of the
11 Office of Management and Budget may provide for
12 the discharge of functions of the entities referred to in
13 such paragraph by a single office within one of the
14 entities.

15 (3) ADDITIONAL CONSOLIDATION AUTHORITY.—
16 In addition to the actions under paragraphs (1) and
17 (2), the Director of the Office of Management and
18 Budget may also carry out such other actions to con-
19 solidate and reorganize the functions of the Depart-
20 ment of State, the United States Information Agency,
21 and the United States Arms Control and Disar-
22 mament Agency as the Director and the heads of such
23 entities consider appropriate to ensure the effective
24 and efficient discharge of the responsibilities of such
25 entities.

1 (4) *ACTIONS AUTHORIZED.*—*The actions that the*
2 *Director of the Office of Management and Budget*
3 *may take under this subsection include the following:*

4 (A) *The abolishment, reorganization, con-*
5 *solidation, or transfer of functions (in whole or*
6 *in part).*

7 (B) *The termination or transfer of the per-*
8 *sonnel associated with functions so abolished, re-*
9 *organized, consolidated, or transferred.*

10 (5) *TRANSITION RULES.*—*The Director of the Of-*
11 *fice of Management and Budget shall establish such*
12 *rules and procedures relating to the consolidation of*
13 *foreign relations functions under this subsection as*
14 *the Director considers appropriate, including rules*
15 *and procedures relating to the rights and responsibil-*
16 *ities of personnel of the Government terminated,*
17 *transferred, or otherwise affected by actions to carry*
18 *out the consolidation.*

19 (b) *VOLUNTARY SEPARATION INCENTIVES.*—

20 (1) *AUTHORITY TO PAY INCENTIVES.*—*The head*
21 *of an agency referred to in paragraph (2) may pay*
22 *voluntary incentive payments to employees of the*
23 *agency in order to avoid or minimize the need for in-*
24 *voluntary separations from the agency as a result of*

1 *the consolidation of foreign relations functions under*
2 *subsection (a).*

3 (2) *COVERED AGENCIES.—Paragraph (1) applies*
4 *to the following agencies:*

5 (A) *The Department of State.*

6 (B) *The United States Information Agency.*

7 (C) *The United States Arms Control and*
8 *Disarmament Agency.*

9 (3) *PAYMENT REQUIREMENTS.—*

10 (A) *IN GENERAL.—The head of an agency*
11 *referred to in paragraph (2) shall pay voluntary*
12 *separation incentive payments under this sub-*
13 *section in accordance with the provisions of sec-*
14 *tions 3 and 4 of the Federal Workforce Restruc-*
15 *turing Act of 1994 (Public Law 103–226; 108*
16 *Stat. 111), except that an employee of the agency*
17 *shall be deemed to be eligible for payment of a*
18 *voluntary separation incentive payment under*
19 *that section if the employee separates from serv-*
20 *ice with the agency during the period beginning*
21 *on the date of enactment of this Act and ending*
22 *on December 15, 1995.*

23 (B) *SUBSEQUENT EMPLOYMENT WITH GOV-*
24 *ERNMENT.—The provisions of subsection (d) of*
25 *such section 3 shall apply to any employee who*

1 *is paid a voluntary separation incentive pay-*
2 *ment under this subsection.*

3 (4) *FUNDING.*—

4 (A) *IN GENERAL.*—*The payment of vol-*
5 *untary separation incentive payments under this*
6 *subsection shall be made from funds in the For-*
7 *eign Affairs Reorganization Transition Fund es-*
8 *tablished under subsection (c).*

9 (B) *EXERCISE OF AUTHORITY DEPENDENT*
10 *ON FUNDING.*—*The head of an agency may not*
11 *pay voluntary separation incentive payments*
12 *under this subsection unless sufficient funds are*
13 *available in the Foreign Affairs Reorganization*
14 *Fund to cover the cost of such payments and the*
15 *costs of any other payments (including payments*
16 *or deposits to retirement systems) required in re-*
17 *lation to such payments.*

18 (5) *TERMINATION OF AUTHORITY.*—*The author-*
19 *ity of the head of an agency to authorize payment of*
20 *voluntary separation incentive payments under this*
21 *subsection shall expire on December 15, 1995.*

22 (c) *FOREIGN AFFAIRS REORGANIZATION TRANSITION*
23 *FUND.*—

24 (1) *ESTABLISHMENT.*—*There is hereby estab-*
25 *lished on the books of the Treasury an account to be*

1 *known as the “Foreign Affairs Reorganization Tran-*
2 *sition Fund”.*

3 (2) *PURPOSE.—The purpose of the account is to*
4 *provide funds for the following:*

5 (A) *To cover the costs of actions relating to*
6 *the consolidation of redundant foreign relations*
7 *functions that are taken under subsection (a).*

8 (B) *To the cover the costs to the Government*
9 *of the payment of voluntary separation incentive*
10 *payments under subsection (b), including any*
11 *payments or deposits to retirement systems re-*
12 *quired in relation to such payment.*

13 (3) *DEPOSITS.—There shall be deposited into the*
14 *account such sums as may be appropriated to the ac-*
15 *count.*

16 (4) *USE OF FUNDS.—Sums in the account shall*
17 *remain available until expended for the purpose set*
18 *forth in paragraph (2).*

19 (5) *REPORT ON ACCOUNT.—Not later than No-*
20 *vember 15, 1996, the Secretary of State shall transmit*
21 *to the Committees on Appropriations and Foreign Re-*
22 *lations of the Senate and the Committees on Appro-*
23 *priations and International Relations of the House of*
24 *Representatives a report containing an accounting*
25 *of—*

1 (A) the expenditures from the account estab-
2 lished under this subsection; and

3 (B) in the event of any transfer of funds to
4 the Department of State under paragraph (5),
5 the functions for which the funds so transferred
6 are to be expended.

7 SEC. 405. (a) Subject to subsection (b), section 15(a)
8 of the State Department Basic Authorities Act of 1956 (22
9 U.S.C. 2680(a)) and section 701 of the United States Infor-
10 mation and Educational Exchange Act of 1948 and section
11 313 of the Foreign Relations Authorization Act, Fiscal
12 Years 1994 and 1995 and section 53 of the Arms Control
13 and Disarmament Act, shall not apply to appropriations
14 made available for the Department of State in this Act.

15 (b) The waiver of subsection (a) shall cease to apply
16 December 1, 1995.

17 **SEC. 406. FUNDS FOR THE TENTH PARALYMPIAD GAMES.**

18 Of the aggregate amount appropriated under this title
19 for the United States Information Agency under the head-
20 ings “SALARIES AND EXPENSES”, “EDUCATIONAL AND CUL-
21 TURAL EXCHANGE PROGRAMS”, and “INTERNATIONAL
22 BROADCASTING OPERATIONS”, \$5,000,000 shall be available
23 only for the Tenth Paralympiad games for individuals with
24 disabilities, scheduled to be held in Atlanta, Georgia, in
25 1996, consistent with section 242 of the Foreign Relations

1 *Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C.*
2 *2452 note).*

3 **SEC. 407. GREAT LAKES FISHERY COMMISSION.**

4 *Notwithstanding any other provision of law—*

5 *(1) the Department of State shall continue to*
6 *carry out its authority, function, duty, and respon-*
7 *sibility in the conduct of foreign affairs of the United*
8 *States in connection with the Great Lakes Fishery*
9 *Commission in the same manner as that Department*
10 *has carried out that function, duty, and responsibility*
11 *since the Convention on Great Lakes Fisheries be-*
12 *tween the United States and Canada entered into*
13 *force on October 11, 1955; and*

14 *(2) the authority, function, duty, and respon-*
15 *sibility of the Department of State referred to in*
16 *paragraph (1) shall not be transferred to any other*
17 *Federal agency or terminated during any fiscal year*
18 *in which the Convention referred to in paragraph (1)*
19 *is in force.*

20 *SEC. 408. Section 36(a)(1) of the State Department*
21 *Authorities Act of 1956, as amended (22 U.S.C. 2708), is*
22 *amended to delete “may pay a reward” and insert in lieu*
23 *thereof “shall establish and publicize a program under*
24 *which rewards may be paid”.*

1 *SEC. 409. It is the sense of Congress that, in order to*
2 *facilitate enhanced command and control of Department of*
3 *Defense counter-drug activities in the Western Hemisphere,*
4 *the President should designate the commander of one uni-*
5 *fied combatant command established under chapter 6 of*
6 *title 10, United States Code, to perform the mission of car-*
7 *rying out all counter-drug operations of the Department of*
8 *Defense in the areas of the Western Hemisphere that are*
9 *south of the southern border of the United States, including*
10 *Mexico, and the areas off the coasts of Central America and*
11 *South America that are within 300 miles of such coasts,*
12 *but not to include the Caribbean Sea.*

13 *SEC. 410. It is the sense of the Senate that the United*
14 *States should continue to provide logistic and warehouse*
15 *support for non-governmental, non-profit organizations un-*
16 *dertaking donated book programs abroad, including those*
17 *organizations utilizing on-line information technologies to*
18 *complement the traditional hard cover donation program.*

19 ***SEC. 411. EXTENSION OF AU PAIR PROGRAMS.***

20 *Section 8 of the Eisenhower Exchange Fellowship Act*
21 *of 1990 is amended in the last sentence by striking “fiscal*
22 *year 1995” and inserting “fiscal year 1999”.*

23 *SEC. 412. Sections 6(a) and 6(b) of Public Law 101–*
24 *454 are repealed. In addition, notwithstanding any other*
25 *provision of law, Eisenhower Exchange Fellowships, Incor-*

1 porated, may use any earned but unused trust income from
2 the period 1992 through 1995 for Fellowship purposes.

3 SEC. 413. *It is the sense of the Senate that none of*
4 *the funds appropriated or otherwise made available pursu-*
5 *ant to this Act should be used for the deployment of combat-*
6 *equipped forces of the Armed Forces of the United States*
7 *for any ground operations in Bosnia and Herzegovina un-*
8 *less—*

9 (1) *Congress approves in advance the deployment*
10 *of such forces of the Armed Forces; or*

11 (2) *the temporary deployment of such forces of*
12 *the Armed Forces of the United States into Bosnia*
13 *and Herzegovina is necessary to evacuate United Na-*
14 *tions peacekeeping forces from a situation of immi-*
15 *nent danger, to undertake emergency air rescue oper-*
16 *ations, or to provide for the airborne delivery of hu-*
17 *manitarian supplies, and the President reports as*
18 *soon as practicable to Congress after the initiation of*
19 *the temporary deployment, but in no case later than*
20 *48 hours after the initiation of the deployment.*

21 SEC. 414. *It is the Sense of the Senate that the Presi-*
22 *dent of the United States should insist on the full compli-*
23 *ance of the Russian Federation with the terms of the Treaty*
24 *on Conventional Armed Forces in Europe and seek the ad-*
25 *vice and consent of the Senate for any treaty modifications.*

1 **SEC. 415. RESTRICTIONS ON THE TERMINATION OF SANC-**
2 **TIONS AGAINST SERBIA AND MONTENEGRO.**

3 (a) *RESTRICTIONS.*—Section 1511 of the National De-
4 fense Authorization Act for Fiscal Year 1994 (Public Law
5 103–160) is amended by striking subsection (e) and insert-
6 ing the following:

7 “(e) *CERTIFICATION.*—A certification described in this
8 subsection is a certification by the President to Congress
9 of his determination that:

10 “(1) *the elected Government of Kosova is exercis-*
11 *ing its legitimate right to democratic self-government,*
12 *and the political autonomy of Kosova, as exercised*
13 *prior to 1984 under the 1974 Constitution of the So-*
14 *cialist Federal Republic of Yugoslavia, has been re-*
15 *stored;*

16 “(2) *systematic violations of the civil and human*
17 *rights of the people of Kosova, including institutional-*
18 *ized discrimination and structural repression, have*
19 *ended;*

20 “(3) *monitors from the Organization for Secu-*
21 *rity and Cooperation in Europe, other human rights*
22 *monitors, and United States and international relief*
23 *officials are free to operate in Kosova and Serbia, in-*
24 *cluding the Sandjak and Vojvodina, and enjoy the full*
25 *cooperation and support of Serbia and local authori-*
26 *ties;*

1 “(4) *full civil and human rights have been re-*
2 *stored to ethnic non-Serbs in Serbia, including the*
3 *Sandjak and Vojvodina;*

4 “(5) *the Federal Republic of Yugoslavia has halt-*
5 *ed aggression against the Republic of Bosnia and*
6 *Herzegovina;*

7 “(6) *the Federal Republic of Yugoslavia has ter-*
8 *minated all forms of support, including manpower,*
9 *arms, fuel, financial subsidies, and war material, by*
10 *land or air, for Serbian separatists and their leaders*
11 *in the Republic of Bosnia and Herzegovina and the*
12 *Republic of Croatia;*

13 “(7) *the Federal Republic of Yugoslavia has ex-*
14 *tended full respect for the territorial integrity and*
15 *independence of the Republic of Bosnia and*
16 *Herzegovina, the Republic of Croatia, and the former*
17 *Yugoslav Republic of Macedonia; and*

18 “(8) *the Federal Republic of Yugoslavia has co-*
19 *operated fully with the United Nations war crimes*
20 *tribunal for the former Yugoslavia, including by sur-*
21 *rendering all available and requested evidence and*
22 *those indicted individuals who are residing in the ter-*
23 *ritory of Serbia and Montenegro.”.*

24 (b) *FOREIGN ASSISTANCE ACT AMENDMENT.—Section*
25 *307(a) of the Foreign Assistance Act of 1961 (22 U.S.C.*

1 2227(a)) is amended by inserting “Serbia and
2 Montenegro,” after “Cuba,”.

3 (c) CONFORMING AMENDMENT.—Section 1511(a) of
4 such Act is amended by striking “subsections (d) and (e))
5 remain in effect until changed by law” and inserting “sub-
6 section (d)) remain in effect until the certification require-
7 ments of subsection (e) have been met”.

8 (d) SENSE OF THE CONGRESS.—It is the sense of the
9 Congress that the conditions specified in section 1511(e) of
10 the National Defense Authorization Act for Fiscal Year
11 1994, as amended by this section, should also be applied
12 by the United Nations for the termination of sanctions
13 against Serbia and Montenegro.

14 This title may be cited as the “Department of State
15 and Related Agencies Appropriations Act, 1996”.

16 TITLE V—RELATED AGENCIES

17 DEPARTMENT OF TRANSPORTATION

18 MARITIME ADMINISTRATION

19 MARITIME SECURITY

20 For necessary expenses of maritime security services
21 authorized by law, \$46,000,000, to remain available until
22 expended.

23 OPERATING-DIFFERENTIAL SUBSIDIES

24 (LIQUIDATION OF CONTRACT AUTHORITY)

25 For the payment of obligations incurred for operating-
26 differential subsidies as authorized by the Merchant Marine

1 *Act, 1936, as amended, \$162,610,000, to remain available*
 2 *until expended.*

3 *OPERATIONS AND TRAINING*

4 *For necessary expenses of operations and training ac-*
 5 *tivities authorized by law, \$68,600,000, to remain available*
 6 *until expended: Provided, That notwithstanding any other*
 7 *provision of law, the Secretary of Transportation may use*
 8 *proceeds derived from the sale or disposal of National De-*
 9 *fense Reserve Fleet vessels that are currently collected and*
 10 *retained by the Maritime Administration, to be used for*
 11 *facility and ship maintenance, modernization and repair,*
 12 *conversion, acquisition of equipment, and fuel costs nec-*
 13 *essary to maintain training at the United States Merchant*
 14 *Marine Academy and State maritime academies and may*
 15 *be transferred to the Secretary of the Interior for use as*
 16 *provided in the National Maritime Heritage Act (P.L. 103–*
 17 *451): Provided further, That reimbursements may be made*
 18 *to this appropriation from receipts to the “Federal Ship*
 19 *Financing Fund” for administrative expenses in support*
 20 *of that program in addition to any amount heretofore ap-*
 21 *propriated.*

22 *MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM*

23 *ACCOUNT*

24 *For the cost of guaranteed loans, as authorized by the*
 25 *Merchant Marine Act, 1936, \$25,000,000, to remain avail-*
 26 *able until expended: Provided, That such costs, including*

1 *the cost of modifying such loans, shall be as defined in sec-*
2 *tion 502 of the Congressional Budget Act of 1974, as*
3 *amended: Provided further, That these funds are available*
4 *to subsidize total loan principal, any part of which is to*
5 *be guaranteed, not to exceed \$500,000,000.*

6 *ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION*

7 *Notwithstanding any other provision of this Act, the*
8 *Maritime Administration is authorized to furnish utilities*
9 *and services and make necessary repairs in connection with*
10 *any lease, contract, or occupancy involving Government*
11 *property under control of the Maritime Administration,*
12 *and payments received therefor shall be credited to the ap-*
13 *propriation charged with the cost thereof: Provided, That*
14 *rental payments under any such lease, contract, or occu-*
15 *pancy for items other than such utilities, services, or repairs*
16 *shall be covered into the Treasury as miscellaneous receipts.*

17 *No obligations shall be incurred during the current fis-*
18 *cal year from the construction fund established by the Mer-*
19 *chant Marine Act, 1936, or otherwise, in excess of the ap-*
20 *propriations and limitations contained in this Act or in*
21 *any prior appropriation Act, and all receipts which other-*
22 *wise would be deposited to the credit of said fund shall be*
23 *covered into the Treasury as miscellaneous receipts.*

1 *COMMISSION FOR THE PRESERVATION OF AMERICA'S*
2 *HERITAGE ABROAD*

3 *SALARIES AND EXPENSES*

4 *For expenses for the Commission for the Preservation*
5 *of America's Heritage Abroad, \$206,000, as authorized by*
6 *Public Law 99-83, section 1303.*

7 *COMMISSION ON CIVIL RIGHTS*

8 *SALARIES AND EXPENSES*

9 *For necessary expenses of the Commission on Civil*
10 *Rights, including hire of passenger motor vehicles,*
11 *\$9,000,000: Provided, That not to exceed \$50,000 may be*
12 *used to employ consultants: Provided further, That none of*
13 *the funds appropriated in this paragraph shall be used to*
14 *employ in excess of four full-time individuals under Sched-*
15 *ule C of the Excepted Service exclusive of one special assist-*
16 *ant for each Commissioner: Provided further, That none of*
17 *the funds appropriated in this paragraph shall be used to*
18 *reimburse Commissioners for more than 75 billable days,*
19 *with the exception of the Chairperson who is permitted 125*
20 *billable days.*

21 *COMMISSION ON IMMIGRATION REFORM*

22 *SALARIES AND EXPENSES*

23 *For necessary expenses of the Commission on Immi-*
24 *gration Reform pursuant to section 141(f) of the Immigra-*

1 *tion Act of 1990, \$1,894,000, to remain available until ex-*
 2 *pended.*

3 *COMMISSION ON SECURITY AND COOPERATION IN EUROPE*
 4 *SALARIES AND EXPENSES*

5 *For necessary expenses of the Commission on Security*
 6 *and Cooperation in Europe, as authorized by Public Law*
 7 *94–304, \$1,090,000, to remain available until expended as*
 8 *authorized by section 3 of Public Law 99–7.*

9 *EQUAL EMPLOYMENT OPPORTUNITY COMMISSION*
 10 *SALARIES AND EXPENSES*

11 *For necessary expenses of the Equal Employment Op-*
 12 *portunity Commission as authorized by title VII of the*
 13 *Civil Rights Act of 1964, as amended (29 U.S.C. 206(d)*
 14 *and 621–634), the Americans with Disabilities Act of 1990,*
 15 *and the Civil Rights Act of 1991, including services as au-*
 16 *thorized by 5 U.S.C. 3109; hire of passenger motor vehicles*
 17 *as authorized by 31 U.S.C. 1343(b); nonmonetary awards*
 18 *to private citizens; not to exceed \$26,500,000, for payments*
 19 *to State and local enforcement agencies for services to the*
 20 *Commission pursuant to title VII of the Civil Rights Act*
 21 *of 1964, as amended, sections 6 and 14 of the Age Discrimi-*
 22 *nation in Employment Act, the Americans with Disabilities*
 23 *Act of 1990, and the Civil Rights Act of 1991; \$233,000,000:*
 24 *Provided, That the Commission is authorized to make*

1 *available for official reception and representation expenses*
2 *not to exceed \$2,500 from available funds.*

3 *FEDERAL COMMUNICATIONS COMMISSION*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses of the Federal Communications*
6 *Commission, as authorized by law, including uniforms and*
7 *allowances therefor, as authorized by 5 U.S.C. 5901–02; not*
8 *to exceed \$600,000 for land and structures; not to exceed*
9 *\$500,000 for improvement and care of grounds and repair*
10 *to buildings; not to exceed \$4,000 for official reception and*
11 *representation expenses; purchase (not to exceed sixteen)*
12 *and hire of motor vehicles; special counsel fees; and services*
13 *as authorized by 5 U.S.C. 3109; \$166,185,000, of which not*
14 *to exceed \$300,000 shall remain available until September*
15 *30, 1997, for research and policy studies: Provided, That*
16 *\$116,400,000 of offsetting collections shall be assessed and*
17 *collected pursuant to section 9 of title I of the Communica-*
18 *tions Act of 1934, as amended, and shall be retained and*
19 *used for necessary expenses in this appropriation, and shall*
20 *remain available until expended: Provided further, That the*
21 *sum herein appropriated shall be reduced as such offsetting*
22 *collections are received during fiscal year 1996 so as to re-*
23 *sult in a final fiscal year 1996 appropriation estimated at*
24 *\$49,785,000: Provided further, That any offsetting collec-*
25 *tions received in excess of \$116,400,000 in fiscal year 1996*

1 *shall remain available until expended, but shall not be*
 2 *available for obligation until October 1, 1996.*

3 *FEDERAL MARITIME COMMISSION*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses of the Federal Maritime Com-*
 6 *mission as authorized by section 201(d) of the Merchant*
 7 *Marine Act of 1936, as amended (46 App. U.S.C. 1111),*
 8 *including services as authorized by 5 U.S.C. 3109; hire of*
 9 *passenger motor vehicles as authorized by 31 U.S.C.*
 10 *1343(b); and uniforms or allowances therefor, as authorized*
 11 *by 5 U.S.C. 5901–02; \$14,855,000: Provided, That not to*
 12 *exceed \$2,000 shall be available for official reception and*
 13 *representation expenses.*

14 *FEDERAL TRADE COMMISSION*

15 *SALARIES AND EXPENSES*

16 *For necessary expenses of the Federal Trade Commis-*
 17 *sion, including uniforms or allowances therefor, as author-*
 18 *ized by 5 U.S.C. 5901–5902; services as authorized by 5*
 19 *U.S.C. 3109; hire of passenger motor vehicles; and not to*
 20 *exceed \$2,000 for official reception and representation ex-*
 21 *penses; \$73,035,000: Provided, That not to exceed \$300,000*
 22 *shall be available for use to contract with a person or per-*
 23 *sons for collection services in accordance with the terms of*
 24 *31 U.S.C. 3718, as amended: Provided further, That not-*
 25 *withstanding any other provision of law, not to exceed*

1 \$48,262,000 of offsetting collections derived from fees col-
 2 lected for premerger notification filings under the Hart-
 3 Scott-Rodino Antitrust Improvements Act of 1976 (15
 4 U.S.C. 18(a)) shall be retained and used for necessary ex-
 5 penses in this appropriation, and shall remain available
 6 until expended: Provided further, That the sum herein ap-
 7 propriated from the General Fund shall be reduced as such
 8 offsetting collections are received during fiscal year 1996,
 9 so as to result in a final fiscal year 1996 appropriation
 10 from the General Fund estimated at not more than
 11 \$24,773,000, to remain available until expended: Provided
 12 further, That any fees received in excess of \$48,262,000 in
 13 fiscal year 1996 shall remain available until expended, but
 14 shall not be available for obligation until October 1, 1996:
 15 Provided further, That none of the funds made available
 16 to the Federal Trade Commission shall be available for obli-
 17 gation for expenses authorized by section 151 of the Federal
 18 Deposit Insurance Corporation Improvement Act of 1991
 19 (Public Law 102-242, 105 Stat. 2282-2285).

20 JAPAN-UNITED STATES FRIENDSHIP COMMISSION

21 JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

22 For expenses of the Japan-United States Friendship
 23 Commission as authorized by Public Law 94-118, as
 24 amended, from the interest earned on the Japan-United
 25 States Friendship Trust Fund, \$1,247,000; and an amount

1 *of Japanese currency not to exceed the equivalent of*
 2 *\$1,420,000 based on exchange rates at the time of payment*
 3 *of such amounts as authorized by Public Law 94–118.*

4 *LEGAL SERVICES CORPORATION*

5 *PAYMENT TO THE LEGAL SERVICES CORPORATION*

6 *For payment to the Legal Services Corporation to*
 7 *carry out the Legal Services Corporation Act, \$340,000,000,*
 8 *of which \$327,000,000 is for direct delivery of legal assist-*
 9 *ance, including basic field programs; and \$13,000,000 (to*
 10 *be allocated by the Board of Directors of the Corporation)*
 11 *is for management, administration, and the Office of In-*
 12 *spector General: Provided, That \$115,000,000 of the total*
 13 *amount provided under this heading shall not be available*
 14 *until the date on which the Corporation commences imple-*
 15 *mentation of the system of competitive awards of grants*
 16 *and contracts under section 13.*

17 *ADMINISTRATIVE PROVISIONS—LEGAL SERVICES*

18 *CORPORATION*

19 *SEC. 11. Funds appropriated under this Act to the*
 20 *Legal Services Corporation for basic field programs shall*
 21 *be distributed as follows:*

22 *(1) The Corporation shall define geographic*
 23 *areas and make the funds available for each geo-*
 24 *graphic area on a per capita basis relative to the*
 25 *number of individuals in poverty determined by the*
 26 *Bureau of the Census to be within the geographic*

1 *area, except as provided in paragraph (2)(B). Funds*
2 *for such a geographic area may be distributed by the*
3 *Corporation to 1 or more persons or entities eligible*
4 *for funding under section 1006(a)(1)(A) of the Legal*
5 *Services Corporation Act (42 U.S.C. 2996e(a)(1)(A)),*
6 *subject to sections 12 and 14.*

7 *(2) Funds for grants from the Corporation, and*
8 *contracts entered into by the Corporation, for basic*
9 *field programs shall be allocated so as to provide—*

10 *(A) except as provided in subparagraph*
11 *(B), an equal figure per individual in poverty*
12 *for all geographic areas, as determined on the*
13 *basis of the most recent decennial census of popu-*
14 *lation conducted pursuant to section 141 of title*
15 *13, United States Code (or, in the case of the Re-*
16 *public of Palau, the Federated States of Microne-*
17 *sia, the Republic of the Marshall Islands, Alaska,*
18 *Hawaii, and the United States Virgin Islands,*
19 *on the basis of the adjusted population counts*
20 *historically used as the basis for such determina-*
21 *tions); and*

22 *(B) an additional amount for Native Amer-*
23 *ican communities that received assistance under*
24 *the Legal Services Corporation Act for fiscal*
25 *year 1995, so that the proportion of the funds*

1 *appropriated to the Legal Services Corporation*
2 *for basic field programs for fiscal year 1996 that*
3 *is received by the Native American communities*
4 *shall be not less than the proportion of such*
5 *funds appropriated for fiscal year 1995 that was*
6 *received by the Native American communities.*

7 *SEC. 12. None of the funds appropriated under this*
8 *Act to the Legal Services Corporation shall be used by the*
9 *Corporation to make a grant, or enter into a contract, for*
10 *the provision of legal assistance unless the Corporation en-*
11 *sures that the person or entity receiving funding to provide*
12 *such legal assistance is—*

13 *(1) a private attorney admitted to practice in a*
14 *State or the District of Columbia;*

15 *(2) a qualified nonprofit organization, chartered*
16 *under the laws of a State or the District of Columbia,*
17 *that—*

18 *(A) furnishes legal assistance to eligible cli-*
19 *ents; and*

20 *(B) is governed by a board of directors or*
21 *other governing body, the majority of which is*
22 *comprised of attorneys who—*

23 *(i) are admitted to practice in a State*
24 *or the District of Columbia; and*

1 (ii) are appointed to terms of office on
 2 such board or body by the governing body of
 3 a State, county, or municipal bar associa-
 4 tion, the membership of which represents a
 5 majority of the attorneys practicing law in
 6 the locality in which the organization is to
 7 provide legal assistance;

8 (3) a State or local government (without regard
 9 to section 1006(a)(1)(A)(ii) of the Legal Services Cor-
 10 poration Act (42 U.S.C. 2996e(a)(1)(A)(ii)); or

11 (4) a substate regional planning or coordination
 12 agency that serves a substate area and whose govern-
 13 ing board is controlled by locally elected officials.

14 SEC. 13. (a) Not later than September 1, 1996, the
 15 Corporation shall implement a system of competitive
 16 awards of grants and contracts that will apply to all grants
 17 and contracts for the delivery of legal assistance awarded
 18 by the Corporation after the date of implementation of the
 19 system.

20 (b) Not later than 60 days after the date of enactment
 21 of this Act, the Legal Services Corporation shall promulgate
 22 regulations to implement a competitive selection process for
 23 the recipients of such grants and contracts.

24 (c) Such regulations shall specify selection criteria for
 25 the recipients, which shall include—

1 (1) a demonstration of a full understanding of
2 the basic legal needs of the eligible clients to be served
3 and a demonstration of the capability of serving the
4 needs;

5 (2) the quality, feasibility, and cost effectiveness
6 of a plan submitted by an applicant for the delivery
7 of legal assistance to the eligible clients to be served;
8 and

9 (3) the experience of the Corporation with the
10 applicant, if the applicant has previously received fi-
11 nancial assistance from the Corporation, including
12 the record of the applicant of past compliance with
13 Corporation policies, practices, and restrictions.

14 (d) Such regulations shall ensure that timely notice
15 regarding an opportunity to submit an application for such
16 an award is published in periodicals of local and State bar
17 associations and in at least 1 daily newspaper of general
18 circulation in the area to be served by the person or entity
19 receiving the award.

20 (e) No person or entity that was previously awarded
21 a grant or contract by the Legal Services Corporation for
22 the provision of legal assistance may be given any pref-
23 erence in the competitive selection process.

24 (f) Sections 1007(a)(9) and 1011 of the Legal Services
25 Corporation Act (42 U.S.C. 2996f(a)(9) and 42 U.S.C.

1 2996j) shall not apply to grants and contracts awarded
2 under the system of competitive awards for grants and con-
3 tracts for the delivery of legal assistance.

4 SEC. 14. (a) None of the funds appropriated under this
5 Act to the Legal Services Corporation may be used to pro-
6 vide financial assistance to any person or entity (which
7 may be referred to in this section as a “recipient”)—

8 (1) that makes available any funds, personnel, or
9 equipment for use in advocating or opposing any
10 plan or proposal, or represents any party or partici-
11 pates in any other way in litigation, that is intended
12 to or has the effect of altering, revising, or reappor-
13 tioning a legislative, judicial, or elective district at
14 any level of government, including influencing the
15 timing or manner of the taking of a census;

16 (2) that attempts to influence the issuance,
17 amendment, or revocation of any executive order, reg-
18 ulation, or similar promulgation by any Federal,
19 State, or local agency, except as permitted in para-
20 graph (3);

21 (3) that attempts to influence any decision by a
22 Federal, State, or local agency, except when legal as-
23 sistance is provided by an employee of a recipient to
24 an eligible client on a particular application, claim,
25 or case—

1 (A) that directly involves a legal right or re-
2 sponsibility of the client; and

3 (B) that does not involve the issuance,
4 amendment, or revocation of any agency promul-
5 gation described in paragraph (2);

6 (4) that attempts to influence the passage or de-
7 feat of any legislation, constitutional amendment, ref-
8 erendum, initiative, or any similar procedure of Con-
9 gress or a State or local legislative body;

10 (5) that attempts to influence the conduct of
11 oversight proceedings of the Corporation or any per-
12 son or entity receiving financial assistance provided
13 by the Corporation;

14 (6) that pays for any personal service, advertise-
15 ment, telegram, telephone communication, letter,
16 printed or written matter, administrative expense, or
17 related expense, associated with an activity prohibited
18 in this section;

19 (7) that initiates or participates in a class ac-
20 tion suit;

21 (8) that files a complaint or otherwise initiates
22 litigation against a defendant, or engages in a
23 precomplaint settlement negotiation with a prospec-
24 tive defendant, unless—

1 (A) each plaintiff has been specifically iden-
2 tified, by name, in any complaint filed for pur-
3 poses of such litigation or prior to the
4 precomplaint settlement negotiation; and

5 (B) a statement of facts written in English
6 and, if necessary, in a language that the plain-
7 tiff understands, that enumerates the particular
8 facts known to the plaintiff on which the com-
9 plaint is based, has been signed by the plaintiff,
10 is kept on file by the recipient, and is made
11 available to any Federal department or agency
12 that is auditing or monitoring the activities of
13 the Corporation or of the recipient, and to any
14 auditor or monitor receiving Federal funds to
15 conduct such auditing or monitoring, including
16 any auditor or monitor of the Corporation, ex-
17 cept that—

18 (i) on establishment of reasonable cause
19 that an injunction is necessary to prevent
20 probable, serious harm to a potential plain-
21 tiff, a court of competent jurisdiction may
22 enjoin the disclosure of the identity of the
23 potential plaintiff pending the outcome of
24 such litigation or negotiation after notice
25 and an opportunity for a hearing is pro-

1 *vided to potential parties to the litigation*
2 *or the negotiation; and*

3 *(ii) other parties to the litigation or*
4 *negotiation shall have access to the state-*
5 *ment of facts only through the discovery*
6 *process after litigation has begun;*

7 *(9) unless—*

8 *(A) prior to the provision of financial as-*
9 *sistance—*

10 *(i) if the person or entity is a non-*
11 *profit organization, the governing board of*
12 *the person or entity has set specific prior-*
13 *ities in writing, pursuant to section*
14 *1007(a)(2)(C)(i) of the Legal Services Cor-*
15 *poration Act (42 U.S.C. 2996f(a)(2)(C)(i)),*
16 *of the types of matters and cases to which*
17 *the staff of the nonprofit organization shall*
18 *devote time and resources; and*

19 *(ii) the staff of such person or entity*
20 *has signed a written agreement not to un-*
21 *dertake cases or matters other than in ac-*
22 *cordance with the specific priorities set by*
23 *such governing board, except in emergency*
24 *situations defined by such board and in ac-*

1 *cordance with the written procedures of*
2 *such board for such situations; and*

3 *(B) the staff of such person or entity pro-*
4 *vides to the governing board on a quarterly*
5 *basis, and to the Corporation on an annual*
6 *basis, information on all cases or matters under-*
7 *taken other than cases or matters undertaken in*
8 *accordance with such priorities;*

9 *(10) unless—*

10 *(A) prior to receiving the financial assist-*
11 *ance, such person or entity agrees to maintain*
12 *records of time spent on each case or matter with*
13 *respect to which the person or entity is engaged;*

14 *(B) any funds, including Interest on Law-*
15 *yers Trust Account funds, received from a source*
16 *other than the Corporation by the person or en-*
17 *tity, and disbursements of such funds, are ac-*
18 *counted for and reported as receipts and dis-*
19 *bursements, respectively, separate and distinct*
20 *from Corporation funds; and*

21 *(C) the person or entity agrees (notwith-*
22 *standing section 1009(d) of the Legal Services*
23 *Corporation Act (42 U.S.C. 2996h(d)) to make*
24 *the records described in subparagraph (A) avail-*
25 *able to any Federal department or agency that*

1 *is auditing or monitoring the activities of the*
2 *Corporation or of the recipient, and to any audi-*
3 *tor or monitor receiving Federal funds to con-*
4 *duct such auditing or monitoring, including any*
5 *auditor or monitor of the Corporation;*

6 *(11) that provides legal assistance for or on be-*
7 *half of any alien, unless the alien is present in the*
8 *United States and is—*

9 *(A) an alien lawfully admitted for perma-*
10 *nent residence as defined in section 101(a)(20) of*
11 *the Immigration and Nationality Act (8 U.S.C.*
12 *1101(a)(20));*

13 *(B) an alien who—*

14 *(i) is married to a United States citi-*
15 *zen or is a parent or an unmarried child*
16 *under the age of 21 years of such a citizen;*
17 *and*

18 *(ii) has filed an application to adjust*
19 *the status of the alien to the status of a law-*
20 *ful permanent resident under the Immigra-*
21 *tion and Nationality Act (8 U.S.C. 1101 et*
22 *seq.), which application has not been re-*
23 *jected;*

24 *(C) an alien who is lawfully present in the*
25 *United States pursuant to an admission under*

1 *section 207 of the Immigration and Nationality*
2 *Act (8 U.S.C. 1157) (relating to refugee admis-*
3 *sion) or who has been granted asylum by the At-*
4 *torney General under such Act;*

5 *(D) an alien who is lawfully present in the*
6 *United States as a result of withholding of de-*
7 *portation by the Attorney General pursuant to*
8 *section 243(h) of the Immigration and National-*
9 *ity Act (8 U.S.C. 1253(h));*

10 *(E) an alien to whom section 305 of the Im-*
11 *migration Reform and Control Act of 1986 (8*
12 *U.S.C. 1101 note) applies, but only to the extent*
13 *that the legal assistance provided is the legal as-*
14 *sistance described in such section; or*

15 *(F) an alien who is lawfully present in the*
16 *United States as a result of being granted condi-*
17 *tional entry to the United States before April 1,*
18 *1980, pursuant to section 203(a)(7) of the Immi-*
19 *gration and Nationality Act (8 U.S.C.*
20 *1153(a)(7)), as in effect on such date, because of*
21 *persecution or fear of persecution on account of*
22 *race, religion, or political calamity;*

23 *(12) that supports or conducts a training pro-*
24 *gram for the purpose of advocating a particular pub-*
25 *lic policy or encouraging a political activity, a labor*

1 or antilabor activity, a boycott, picketing, a strike, or
2 a demonstration, including the dissemination of in-
3 formation about such a policy or activity, except that
4 this paragraph shall not be construed to prohibit the
5 provision of training to an attorney or a paralegal to
6 prepare the attorney or paralegal to provide—

7 (A) adequate legal assistance to eligible cli-
8 ents; or

9 (B) advice to any eligible client as to the
10 legal rights of the client;

11 (13) that provides legal assistance with respect to
12 any fee-generating case, if a private attorney is avail-
13 able and willing to take the case;

14 (14) that claims, or whose employee or eligible
15 client claims, or collects, attorneys' fees from a non-
16 governmental party to litigation, initiated after Jan-
17 uary 1, 1996, by such client with the assistance of
18 such recipient or an employee of the recipient;

19 (15) that participates in any litigation with re-
20 spect to abortion;

21 (16) that participates in any litigation on behalf
22 of a person incarcerated in a Federal, State, or local
23 prison;

24 (17) that initiates legal representation or par-
25 ticipates in any other way, in litigation, lobbying, or

1 *rulemaking, involving an effort to reform a Federal or*
2 *State welfare system, except that this paragraph shall*
3 *not be construed to preclude a recipient from rep-*
4 *resenting an individual eligible client who is seeking*
5 *specific relief from a welfare agency, if such relief*
6 *does not involve an effort to amend or otherwise chal-*
7 *lenge existing law (as of the date of the effort);*

8 *(18) that defends a person in a proceeding to*
9 *evict the person from a public housing project if—*

10 *(A) the person has been charged with the il-*
11 *legal sale or distribution of a controlled sub-*
12 *stance; and*

13 *(B) the eviction proceeding is brought by a*
14 *public housing agency because the illegal drug*
15 *activity of the person threatens the health or*
16 *safety of another tenant residing in the public*
17 *housing project or employee of the public housing*
18 *agency; or*

19 *(19) unless such person or entity agrees that the*
20 *person or entity, and the employees of the person or*
21 *entity, will not accept employment resulting from in-*
22 *person unsolicited advice to a nonattorney that such*
23 *nonattorney should obtain counsel or take legal ac-*
24 *tion, and will not refer such nonattorney to a second*
25 *person or entity or an employee of the person or en-*

1 *tity, that is receiving financial assistance provided by*
2 *the Legal Services Corporation, except that this para-*
3 *graph shall not be construed to prohibit such first*
4 *person or entity or an employee of the person or en-*
5 *tity from referring such nonattorney to the appro-*
6 *priate Federal, State, or local agency with jurisdic-*
7 *tion over the matter involved.*

8 *(b) Nothing in this section shall be interpreted to pro-*
9 *hibit—*

10 *(1) a recipient from using funds from a source*
11 *other than the Corporation for the purpose of contact-*
12 *ing, communicating with, or responding to a request*
13 *from, a State or local government agency, a State or*
14 *local legislative body or committee, or a member*
15 *thereof, regarding funding for the recipient, including*
16 *a pending or proposed legislative or agency proposal*
17 *to fund such recipient; or*

18 *(2) the Corporation from responding to a request*
19 *for comments regarding a Federal funding proposal.*

20 *(c) Not later than 30 days after the date of enactment*
21 *of this Act, the Corporation shall promulgate a suggested*
22 *list of priorities that boards of directors may use in setting*
23 *priorities under subsection (a)(9).*

24 *(d)(1) The Corporation shall not accept any non-Fed-*
25 *eral funds, and no recipient shall accept funds from any*

1 *source other than the Corporation, unless the Corporation*
2 *or the recipient, as the case may be, notifies in writing the*
3 *source of the funds that the funds may not be expended for*
4 *any purpose prohibited by the Legal Services Corporation*
5 *Act or this title.*

6 (2) *Paragraph (1) shall not prevent a recipient from—*

7 (A) *receiving Indian tribal funds (including*
8 *funds from private nonprofit organizations for the*
9 *benefit of Indians or Indian tribes) and expending the*
10 *tribal funds in accordance with the specific purposes*
11 *for which the tribal funds are provided; or*

12 (B) *using funds received from a source other*
13 *than the Corporation to provide legal assistance to a*
14 *client who is not an eligible client if such funds are*
15 *used for the specific purposes for which such funds*
16 *were received, except that such funds may not be ex-*
17 *pended by recipients for any purpose prohibited by*
18 *the Legal Services Corporation Act or this title (other*
19 *than any requirement regarding the eligibility of cli-*
20 *ents).*

21 (e) *As used in this section:*

22 (1) *The term “controlled substance” has the*
23 *meaning given the term in section 102 of the Con-*
24 *trolled Substances Act (21 U.S.C. 802).*

1 (2) *The term “fee-generating case” means a case*
2 *that, if undertaken on behalf of an eligible client by*
3 *a private attorney would reasonably be expected to re-*
4 *sult in a fee for legal services from an award to an*
5 *eligible client from public funds, from the opposing*
6 *party, or from any other source.*

7 (3) *The term “individual in poverty” means an*
8 *individual who is a member of a family (of 1 or more*
9 *members) with an income at or below the poverty*
10 *line.*

11 (4) *The term “poverty line” means the poverty*
12 *line (as defined by the Office of Management and*
13 *Budget, and revised annually in accordance with sec-*
14 *tion 673(2) of the Community Services Block Grant*
15 *Act (42 U.S.C. 9902(2)) applicable to a family of the*
16 *size involved.*

17 (5) *The term “public housing project” has the*
18 *meaning as used within section 3, and the term “pub-*
19 *lic housing agency” has the meaning given the term*
20 *in section 3, of the United States Housing Act of 1937*
21 *(42 U.S.C. 1437a).*

22 *SEC. 15. None of the funds appropriated under this*
23 *Act to the Legal Services Corporation or provided by the*
24 *Corporation to any entity or person may be used to pay*
25 *membership dues to any private or nonprofit organization.*

1 *SEC. 16. The requirements of sections 14 and 15 shall*
2 *apply to the activities of a recipient described in section*
3 *14, or an employee of such a recipient, during the provision*
4 *of legal assistance for a case or matter, if the recipient or*
5 *employee begins to provide the legal assistance on or after*
6 *the date of enactment of this Act. If the recipient or em-*
7 *ployee began to provide legal assistance for the case or mat-*
8 *ter prior to such date, and begins to provide legal assistance*
9 *for an additional related claim on or after such date, the*
10 *requirements shall apply to the activities of the recipient*
11 *or employee during the provision of legal assistance for the*
12 *claim.*

13 *MARINE MAMMAL COMMISSION*

14 *SALARIES AND EXPENSES*

15 *For necessary expenses of the Marine Mammal Com-*
16 *mission as authorized by title II of Public Law 92–522,*
17 *as amended, \$1,384,000.*

18 *MARTIN LUTHER KING, JR. FEDERAL HOLIDAY*

19 *COMMISSION*

20 *SALARIES AND EXPENSES*

21 *For necessary expenses of the Martin Luther King, Jr.*
22 *Federal Holiday Commission, as authorized by Public Law*
23 *98–399, as amended, \$350,000.*

1 *SECURITIES AND EXCHANGE COMMISSION*2 *SALARIES AND EXPENSES*

3 *For necessary expenses for the Securities and Exchange*
4 *Commission, including services as authorized by 5 U.S.C.*
5 *3109, the rental of space (to include multiple year leases)*
6 *in the District of Columbia and elsewhere, and not to exceed*
7 *\$3,000 for official reception and representation expenses,*
8 *\$134,997,000, of which \$3,600,000 are for the Office of Eco-*
9 *nomics Analysis, to be headed by the Chief Economist of the*
10 *Commission, and of which not to exceed \$10,000 may be*
11 *used toward funding a permanent secretariat for the Inter-*
12 *national Organization of Securities Commissions, and of*
13 *which not to exceed \$100,000 shall be available for expenses*
14 *for consultations and meetings hosted by the Commission*
15 *with foreign governmental and other regulatory officials,*
16 *members of their delegations, appropriate representatives*
17 *and staff to exchange views concerning developments relat-*
18 *ing to securities matters, development and implementation*
19 *of cooperation agreements concerning securities matters and*
20 *provision of technical assistance for the development of for-*
21 *eign securities markets, such expenses to include necessary*
22 *logistic and administrative expenses and the expenses of*
23 *Commission staff and foreign invitees in attendance at such*
24 *consultations and meetings including: (i) such incidental*
25 *expenses as meals taken in the course of such attendance,*

1 *(ii) any travel or transportation to or from such meetings,*
 2 *and (iii) any other related lodging or subsistence: Provided,*
 3 *That immediately upon enactment of this Act, the rate of*
 4 *fees under section 6(b) of the Securities Act of 1933 (15*
 5 *U.S.C. 77f(b)) shall increase from one-fiftieth of 1 per cen-*
 6 *tum to one thirty-fourth of 1 per centum and such increase*
 7 *shall be deposited as an offsetting collection to this appro-*
 8 *priation, to remain available until expended, to recover*
 9 *costs of services of the securities registration process: Pro-*
 10 *vided further, That no funds may be used for the Office of*
 11 *Investor Education and Assistance, and that \$1,500,000 of*
 12 *the funds appropriated for the Commission shall be avail-*
 13 *able for the enforcement of the Investment Advisers Act of*
 14 *1940 in addition to any other appropriated funds des-*
 15 *ignated by the Commission for enforcement of such Act.*

16 *SMALL BUSINESS ADMINISTRATION*

17 *The following sum is appropriated for the Small Busi-*
 18 *ness Administration in addition to such sums provided else-*
 19 *where in this Act, \$30,000,000.*

20 *SALARIES AND EXPENSES*

21 *For necessary expenses, not otherwise provided for, of*
 22 *the Small Business Administration as authorized by Public*
 23 *Law 103-403, including hire of passenger motor vehicles*
 24 *as authorized by 31 U.S.C. 1343 and 1344, and not to ex-*
 25 *ceed \$3,500 for official reception and representation ex-*
 26 *penses, \$197,903,000: Provided further, That the Adminis-*

1 *trator is authorized to charge fees to cover the cost of publi-*
 2 *cations developed by the Small Business Administration,*
 3 *and certain loan servicing activities: Provided further, That*
 4 *notwithstanding 31 U.S.C. 3302, revenues received from all*
 5 *such activities shall be credited to this account, to be avail-*
 6 *able for carrying out these purposes without further appro-*
 7 *priations.*

8 *OFFICE OF INSPECTOR GENERAL*

9 *For necessary expenses of the Office of Inspector Gen-*
 10 *eral in carrying out the provisions of the Inspector General*
 11 *Act of 1978, as amended (5 U.S.C. App. 1–11 as amended*
 12 *by Public Law 100–504), \$8,500,000.*

13 *BUSINESS LOANS PROGRAM ACCOUNT*

14 *For the cost of guaranteed loans, \$174,726,000, as au-*
 15 *thorized by 15 U.S.C. 631 note, of which \$1,216,000, to be*
 16 *available until expended, shall be for the Microloan Guar-*
 17 *antee Program, and of which \$40,510,000 shall remain*
 18 *available until September 30, 1997: Provided, That such*
 19 *costs, including the cost of modifying such loans, shall be*
 20 *as defined in section 502 of the Congressional Budget Act*
 21 *of 1974.*

22 *In addition, for administrative expenses to carry out*
 23 *guaranteed loan programs, \$77,600,000, which may be*
 24 *transferred to and merged with the appropriations for Sala-*
 25 *ries and Expenses.*

1 *DISASTER LOANS PROGRAM ACCOUNT*

2 *For the cost of direct loans authorized by section 7(b)*
 3 *of the Small Business Act, as amended, \$34,432,000, to re-*
 4 *main available until expended: Provided, That such costs,*
 5 *including the cost of modifying such loans, shall be as de-*
 6 *fin ed in section 502 of the Congressional Budget Act of*
 7 *1974.*

8 *In addition, for administrative expenses to carry out*
 9 *the direct loan program, \$62,400,000, which may be trans-*
 10 *ferred to and merged with the appropriations for Salaries*
 11 *and Expenses.*

12 *SURETY BOND GUARANTEES REVOLVING FUND*

13 *For additional capital for the “Surety Bond Guarant-*
 14 *tees Revolving Fund”, authorized by the Small Business In-*
 15 *vestment Act, as amended, \$2,530,000, to remain available*
 16 *without fiscal year limitation as authorized by 15 U.S.C.*
 17 *631 note.*

18 *ADMINISTRATIVE PROVISIONS—SMALL BUSINESS*

19 *ADMINISTRATION*

20 *SEC. 508. Not to exceed 5 percent of any appropriation*
 21 *made available for the current fiscal year for the Small*
 22 *Business Administration in this Act may be transferred be-*
 23 *tween such appropriations, but no such appropriation shall*
 24 *be increased by more than 10 percent by any such transfers:*
 25 *Provided, That any transfer pursuant to this section shall*
 26 *be treated as a reprogramming of funds under section 605*

1 *of this Act and shall not be available for obligation or ex-*
2 *penditure except in compliance with the procedures set forth*
3 *in that section.*

4 *STATE JUSTICE INSTITUTE*

5 *SALARIES AND EXPENSES*

6 *For necessary expenses of the State Justice Institute,*
7 *as authorized by The State Justice Institute Authorization*
8 *Act of 1992 (Public Law 102–572 (106 Stat. 4515–4516)),*
9 *\$5,000,000 to remain available until expended: Provided,*
10 *That not to exceed \$2,500 shall be available for official re-*
11 *ception and representation expenses.*

12 *TITLE VI—GENERAL PROVISIONS*

13 *SEC. 601. No part of any appropriation contained in*
14 *this Act shall be used for publicity or propaganda purposes*
15 *not authorized by the Congress.*

16 *SEC. 602. No part of any appropriation contained in*
17 *this Act shall remain available for obligation beyond the*
18 *current fiscal year unless expressly so provided herein.*

19 *SEC. 603. The expenditure of any appropriation under*
20 *this Act for any consulting service through procurement*
21 *contract, pursuant to 5 U.S.C. 3109, shall be limited to*
22 *those contracts where such expenditures are a matter of pub-*
23 *lic record and available for public inspection, except where*
24 *otherwise provided under existing law, or under existing*
25 *Executive order issued pursuant to existing law.*

1 *SEC. 604. If any provision of this Act or the applica-*
2 *tion of such provision to any person or circumstances shall*
3 *be held invalid, the remainder of the Act and the applica-*
4 *tion of each provision to persons or circumstances other*
5 *than those as to which it is held invalid shall not be affected*
6 *thereby.*

7 *SEC. 605. (a) None of the funds provided under this*
8 *Act, or provided under previous Appropriations Acts to the*
9 *agencies funded by this Act that remain available for obli-*
10 *gation or expenditure in fiscal year 1996, or provided from*
11 *any accounts in the Treasury of the United States derived*
12 *by the collection of fees available to the agencies funded by*
13 *this Act, shall be available for obligation or expenditure*
14 *through a reprogramming of funds which (1) creates new*
15 *programs; (2) eliminates a program, project, or activity;*
16 *(3) increases funds or personnel by any means for any*
17 *project or activity for which funds have been denied or re-*
18 *stricted; (4) relocates an office or employees; (5) reorganizes*
19 *offices, programs, or activities; or (6) contracts out or*
20 *privatizes any functions or activities presently performed*
21 *by Federal employees; unless the Appropriations Commit-*
22 *tees of both Houses of Congress are notified fifteen days in*
23 *advance of such reprogramming of funds.*

24 *(b) None of the funds provided under this Act, or pro-*
25 *vided under previous Appropriations Acts to the agencies*

1 *funded by this Act that remain available for obligation or*
2 *expenditure in fiscal year 1996, or provided from any ac-*
3 *counts in the Treasury of the United States derived by the*
4 *collection of fees available to the agencies funded by this*
5 *Act, shall be available for obligation or expenditure for ac-*
6 *tivities, programs, or projects through a reprogramming of*
7 *funds in excess of \$500,000 or 10 percent, whichever is less,*
8 *that (1) augments existing programs, projects, or activities;*
9 *(2) reduces by 10 percent funding for any existing program,*
10 *project, or activity, or numbers of personnel by 10 percent*
11 *as approved by Congress; or (3) results from any general*
12 *savings from a reduction in personnel which would result*
13 *in a change in existing programs, activities, or projects as*
14 *approved by Congress; unless the Appropriations Commit-*
15 *tees of both Houses of Congress are notified fifteen days in*
16 *advance of such reprogramming of funds.*

17 *SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIP-*
18 *MENT AND PRODUCTS.—It is the sense of the Congress that,*
19 *to the greatest extent practicable, all equipment and prod-*
20 *ucts purchased with funds made available in this Act should*
21 *be American-made.*

22 *(b) NOTICE REQUIREMENT.—In providing financial*
23 *assistance to, or entering into any contract with, any entity*
24 *using funds made available in this Act, the head of each*
25 *Federal agency, to the greatest extent practicable, shall pro-*

1 *vide to such entity a notice describing the statement made*
2 *in subsection (a) by the Congress.*

3 *SEC. 608. None of the funds made available in this*
4 *Act may be used to implement, administer, or enforce any*
5 *guidelines of the Equal Employment Opportunity Commis-*
6 *sion covering harassment based on religion, when it is made*
7 *known to the Federal entity or official to which such funds*
8 *are made available that such guidelines do not differ in any*
9 *respect from the proposed guidelines published by the Com-*
10 *mission on October 1, 1993 (58 Fed. Reg. 51266).*

11 *SEC. 609. None of the funds made available by this*
12 *Act may be used for any United Nations undertaking when*
13 *it is made known to the Federal official having authority*
14 *to obligate or expend such funds (1) that the United Nations*
15 *undertaking is a peacekeeping mission, (2) that such under-*
16 *taking will involve United States Armed Forces under the*
17 *command or operational control of a foreign national, and*
18 *(3) that the President's military advisors have not submit-*
19 *ted to the President a recommendation that such involve-*
20 *ment is in the national security interests of the United*
21 *States and the President has not submitted to the Congress*
22 *such a recommendation.*

23 *SEC. 610. None of the funds made available in this*
24 *Act shall be used to provide the following amenities or per-*
25 *sonal comforts in the Federal prison system—*

1 (1) *in-cell television viewing except for prisoners*
2 *who are segregated from the general prison popu-*
3 *lation for their own safety;*

4 (2) *the viewing of R, X, and NC-17 rated mov-*
5 *ies, through whatever medium presented;*

6 (3) *any instruction (live or through broadcasts)*
7 *or training equipment for boxing, wrestling, judo, ka-*
8 *rate, or other martial art, or any bodybuilding or*
9 *weightlifting equipment of any sort;*

10 (4) *possession of in-cell coffee pots, hot plates, or*
11 *heating elements; or*

12 (5) *the use or possession of any electric or elec-*
13 *tronic musical instrument.*

14 *SEC. 611. None of the funds made available in title*
15 *II for the National Oceanic and Atmospheric Administra-*
16 *tion under the heading “Fleet Modernization, Shipbuilding*
17 *and Conversion” may be used to implement sections 603,*
18 *604, and 605 of Public Law 102–567.*

19 *SEC. 612. None of the funds made available in this*
20 *Act may be used for “USIA Television Marti Program”*
21 *under the Television Broadcasting to Cuba Act or any other*
22 *program of United States Government television broadcasts*
23 *to Cuba, when it is made known to the Federal official hav-*
24 *ing authority to obligate or expend such funds that such*
25 *use would be inconsistent with the applicable provisions of*

1 *the March 1995 Office of Cuba Broadcasting Reinventing*
 2 *Plan of the United States Information Agency.*

3 *SEC. 613. (a) The Regulatory Coordination Advisory*
 4 *Committee for the Commodity Futures Trading Commis-*
 5 *sion is terminated.*

6 *(b) Section 5(h) of the Export Administration Act of*
 7 *1979 is repealed.*

8 *(c)(1) Section 5002 of title 18, United States Code, is*
 9 *repealed.*

10 *(2) The table of sections for chapter 401 of title 18,*
 11 *United States Code, is amended by striking out the item*
 12 *relating to the Advisory Corrections Council.*

13 *(d) This section shall take effect 30 days after the date*
 14 *of the enactment of this Act.*

15 ***SEC. 614. SENSE OF THE SENATE ON UNITED STATES-CANA-***
 16 ***DIAN COOPERATION CONCERNING AN OUT-***
 17 ***LET TO RELIEVE FLOODING AT DEVILS LAKE***
 18 ***IN NORTH DAKOTA.***

19 *(a) FINDINGS.—The Senate finds that—*

20 *(1) flooding in Devils Lake Basin, North Dakota,*
 21 *has resulted in water levels in the lake reaching their*
 22 *highest point in 120 years;*

23 *(2) basements are flooded and the town of Devils*
 24 *Lake is threatened with lake water reaching the limits*
 25 *of the protective dikes of the lake;*

1 (3) *the Army Corps of Engineers and the Bureau*
2 *of Reclamation are now studying the feasibility of*
3 *constructing an outlet from Devils Lake Basin;*

4 (4) *an outlet from Devils Lake Basin will allow*
5 *the transfer of water from Devils Lake Basin to the*
6 *Red River of the North watershed that the United*
7 *States shares with Canada; and*

8 (5) *the Treaty Relating to the Boundary Waters*
9 *and Questions Arising Along the Boundary Between*
10 *the United States and Canada, signed at Washington*
11 *on January 11, 1909 (36 Stat. 2448; TS 548) (com-*
12 *monly known as the “Boundary Water Treaty of*
13 *1909”), provides that “waters flowing across the*
14 *boundary shall not be polluted on either side to the*
15 *injury of health or property on the other.” (36 Stat.*
16 *2450).*

17 (b) *SENSE OF THE SENATE.—It is the sense of the Sen-*
18 *ate that the United States Government should seek to estab-*
19 *lish a joint United States-Canadian technical committee to*
20 *review the Devils Lake Basin outlet project to consider op-*
21 *tions for an outlet that would meet Canadian concerns with*
22 *regard to the Boundary Water Treaty of 1909.*

23 SEC. 615. *Competitive Bidding for Assignment of DBS*
24 *Licenses.—No funds provided in this or any other Act shall*
25 *be expended to take any action regarding the applications*

1 *that bear Federal Communications Commission File Num-*
 2 *bers DBS-94-11EXT, DBS-94-15ACP, and DBS-94-*
 3 *16MP: Provided, That funds shall be made available for*
 4 *any action taken by the Federal Communications Commis-*
 5 *sion to use the competitive bidding process prescribed in*
 6 *section 309(j) of the Communications Act of 1934 (47*
 7 *U.S.C. section 309(j)) regarding the disposition of the 27*
 8 *channels at 110 degrees W.L. orbital location: Provided fur-*
 9 *ther, That the provisions of this section apply unless the*
 10 *Federal Communications Commission determines that an*
 11 *alternative adjudication would yield more money for the*
 12 *United States Treasury.*

13 **SEC. 616. ENERGY SAVINGS AT FEDERAL FACILITIES.**

14 (a) *REDUCTION IN FACILITIES ENERGY COSTS.—*

15 (1) *IN GENERAL.—The head of each agency for*
 16 *which funds are made available under this Act*
 17 *shall—*

18 (A) *take all actions necessary to achieve*
 19 *during fiscal year 1996 a 5 percent reduction,*
 20 *from fiscal year 1995 levels, in the energy costs*
 21 *of the facilities used by the agency; or*

22 (B) *enter into a sufficient number of energy*
 23 *savings performance contracts with private sec-*
 24 *tor energy service companies under title VIII of*
 25 *the National Energy Conservation Policy Act (42*

1 U.S.C. 8287 *et seq.*) to achieve during fiscal year
2 1996 at least a 5 percent reduction, from fiscal
3 year 1995 levels, in the energy use of the facili-
4 ties used by the agency.

5 (2) *GOAL.*—The activities described in para-
6 graph (1) should be a key component of agency pro-
7 grams that will by the year 2000 result in a 20 per-
8 cent reduction, from fiscal year 1985 levels, in the en-
9 ergy use of the facilities used by the agency, as re-
10 quired by section 543 of the National Energy Con-
11 servation Policy Act (42 U.S.C. 8253).

12 (b) *USE OF COST SAVINGS.*—An amount equal to the
13 amount of cost savings realized by an agency under sub-
14 section (a) shall remain available for obligation through the
15 end of fiscal year 2000, without further authorization or
16 appropriation, as follows:

17 (1) *CONSERVATION MEASURES.*—Fifty percent of
18 the amount shall remain available for the implemen-
19 tation of additional energy conservation measures
20 and for water conservation measures at such facilities
21 used by the agency as are designated by the head of
22 the agency.

23 (2) *OTHER PURPOSES.*—Fifty percent of the
24 amount shall remain available for use by the agency

1 *for such purposes as are designated by the head of the*
2 *agency, consistent with applicable law.*

3 *(c) REPORTS.—*

4 *(1) BY AGENCY HEADS.—The head of each agen-*
5 *cy for which funds are made available under this Act*
6 *shall include in each report of the agency to the Sec-*
7 *retary of Energy under section 548(a) of the National*
8 *Energy Conservation Policy Act (42 U.S.C. 8258(a))*
9 *a description of the results of the activities carried out*
10 *under subsection (a) and recommendations concerning*
11 *how to further reduce energy costs and energy con-*
12 *sumption in the future.*

13 *(2) BY SECRETARY OF ENERGY.—The reports re-*
14 *quired under paragraph (1) shall be included in the*
15 *annual reports required to be submitted to Congress*
16 *by the Secretary of Energy under section 548(b) of the*
17 *Act (42 U.S.C. 8258(b)).*

18 *(3) CONTENTS.—With respect to the period since*
19 *the date of the preceding report, a report under para-*
20 *graph (1) or (2) shall—*

21 *(A) specify the total energy costs of the fa-*
22 *cilities used by the agency;*

23 *(B) identify the reductions achieved;*

24 *(C) specify the actions that resulted in the*
25 *reductions;*

1 (D) with respect to the procurement proce-
2 dures of the agency, specify what actions have
3 been taken to—

4 (i) implement the procurement au-
5 thorities provided by subsections (a) and (c)
6 of section 546 of the National Energy Con-
7 servation Policy Act (42 U.S.C. 8256); and

8 (ii) incorporate directly, or by ref-
9 erence, the requirements of the regulations
10 issued by the Secretary of Energy under
11 title VIII of the Act (42 U.S.C. 8287 et
12 seq.); and

13 (E) specify—

14 (i) the actions taken by the agency to
15 achieve the goal specified in subsection
16 (a)(2);

17 (ii) the procurement procedures and
18 methods used by the agency under section
19 546(a)(2) of the Act (42 U.S.C. 8256(a)(2));
20 and

21 (iii) the number of energy savings per-
22 formance contracts entered into by the agen-
23 cy under title VIII of the Act (42 U.S.C.
24 8287 et seq.).

1 *TITLE VII—RESCISSIONS*2 *DEPARTMENT OF JUSTICE*3 *GENERAL ADMINISTRATION*4 *WORKING CAPITAL FUND*5 *(RESCISSION)*

6 *Of the unobligated balances available under this head-*
7 *ing, \$55,000,000 are rescinded.*

8 *DEPARTMENT OF COMMERCE*9 *NATIONAL TELECOMMUNICATIONS AND INFORMATION*10 *ADMINISTRATION*11 *INFORMATION INFRASTRUCTURE GRANTS*12 *(RESCISSION)*

13 *Of the unobligated balances available under this head-*
14 *ing, \$36,769,000 are rescinded.*

15 *NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY*16 *CONSTRUCTION OF RESEARCH FACILITIES*17 *(RESCISSION)*

18 *Of the unobligated balances available under this head-*
19 *ing, \$152,993,000 are rescinded.*

20 *DEPARTMENT OF STATE*21 *ADMINISTRATION OF FOREIGN AFFAIRS*22 *ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD*23 *(RESCISSION)*

24 *Of the unobligated balances available under this head-*
25 *ing, \$140,000,000 are rescinded.*

1 *RELATED AGENCIES*

2 *UNITED STATES INFORMATION AGENCY*

3 *RADIO CONSTRUCTION*

4 *(RESCISSION)*

5 *Of the unobligated balances available under this head-*
 6 *ing, \$7,400,000 are rescinded.*

7 ***TITLE VIII—PRISON LITIGATION***
 8 ***REFORM***

9 ***SEC. 801. SHORT TITLE.***

10 *This title may be cited as the “Prison Litigation Re-*
 11 *form Act of 1995”.*

12 ***SEC. 802. APPROPRIATE REMEDIES FOR PRISON CONDI-***
 13 ***TIONS.***

14 *(a) IN GENERAL.—Section 3626 of title 18, United*
 15 *States Code, is amended to read as follows:*

16 ***“§3626. Appropriate remedies with respect to prison***
 17 ***conditions***

18 ***“(a) REQUIREMENTS FOR RELIEF.—***

19 ***“(1) PROSPECTIVE RELIEF.—(A) Prospective re-***
 20 ***lief in any civil action with respect to prison condi-***
 21 ***tions shall extend no further than necessary to correct***
 22 ***the violation of the Federal right of a particular***
 23 ***plaintiff or plaintiffs. The court shall not grant or***
 24 ***approve any prospective relief unless the court finds***
 25 ***that such relief is narrowly drawn, extends no further***
 26 ***than necessary to correct the violation of the Federal***

1 *right, and is the least intrusive means necessary to*
2 *correct the violation of the Federal right. The court*
3 *shall give substantial weight to any adverse impact*
4 *on public safety or the operation of a criminal justice*
5 *system caused by the relief.*

6 *“(B) Nothing in this section shall be construed to*
7 *authorize the courts, in exercising their remedial pow-*
8 *ers, to order the construction of prisons or the raising*
9 *of taxes, or to repeal or detract from otherwise appli-*
10 *cable limitations on the remedial powers of the courts.*

11 *“(2) PRELIMINARY INJUNCTIVE RELIEF.—In any*
12 *civil action with respect to prison conditions, to the*
13 *extent otherwise authorized by law, the court may*
14 *enter a temporary restraining order or an order for*
15 *preliminary injunctive relief. Preliminary injunctive*
16 *relief must be narrowly drawn, extend no further*
17 *than necessary to correct the harm the court finds re-*
18 *quires preliminary relief, and be the least intrusive*
19 *means necessary to correct that harm. Preliminary*
20 *injunctive relief shall automatically expire on the*
21 *date that is 90 days after its entry, unless the court*
22 *makes the findings required under subsection (a)(1)*
23 *for the entry of prospective relief and makes the order*
24 *final before the expiration of the 90-day period.*

1 “(3) *PRISONER RELEASE ORDER.*—(A) *In any*
2 *civil action with respect to prison conditions, no pris-*
3 *oner release order shall be entered unless—*

4 “(i) *a court has previously entered an order*
5 *for less intrusive relief that has failed to remedy*
6 *the deprivation of the Federal right sought to be*
7 *remedied through the prisoner release order; and*

8 “(ii) *the defendant has had a reasonable*
9 *amount of time to comply with the previous*
10 *court orders.*

11 “(B) *In any civil action in Federal court with*
12 *respect to prison conditions, a prisoner release order*
13 *shall be entered only by a three-judge court in accord-*
14 *ance with section 2284 of title 28, if the requirements*
15 *of subparagraph (E) have been met.*

16 “(C) *A party seeking a prisoner release order in*
17 *Federal court shall file with any request for such re-*
18 *lief, a request for a three-judge court and materials*
19 *sufficient to demonstrate that the requirements of sub-*
20 *paragraph (A) have been met.*

21 “(D) *If the requirements under subparagraph*
22 *(A) have been met, a Federal judge before whom a*
23 *civil action with respect to prison conditions is pend-*
24 *ing who believes that a prison release order should be*
25 *considered may sua sponte request the convening of a*

1 *three-judge court to determine whether a prisoner re-*
2 *lease order should be entered.*

3 “(E) *The court shall enter a prisoner release*
4 *order only if the court finds—*

5 “(i) *by clear and convincing evidence—*

6 “(I) *that crowding is the primary*
7 *cause of the violation of a Federal right;*
8 *and*

9 “(II) *that no other relief will remedy*
10 *the violation of the Federal right; and*

11 “(ii) *by a preponderance of the evidence—*

12 “(I) *that crowding has deprived a par-*
13 *ticular plaintiff or plaintiffs of at least one*
14 *essential, identifiable human need; and*

15 “(II) *that prison officials have acted*
16 *with obduracy and wantonness in depriving*
17 *the particular plaintiff or plaintiffs of the*
18 *one essential, identifiable human need*
19 *caused by the crowding.*

20 “(F) *Any State or local official or unit of gov-*
21 *ernment whose jurisdiction or function includes the*
22 *prosecution or custody of persons who may be released*
23 *from, or not admitted to, a prison as a result of a*
24 *prisoner release order shall have standing to oppose*
25 *the imposition or continuation in effect of such relief*

1 *and to seek termination of such relief, and shall have*
2 *the right to intervene in any proceeding relating to*
3 *such relief.*

4 “(b) *TERMINATION OF RELIEF.*—

5 “(1) *TERMINATION OF PROSPECTIVE RELIEF.*—

6 (A) *In any civil action with respect to prison condi-*
7 *tions in which prospective relief is ordered, such relief*
8 *shall be terminable upon the motion of any party—*

9 “(i) *2 years after the date the court granted*
10 *or approved the prospective relief;*

11 “(ii) *1 year after the date the court has en-*
12 *tered an order denying termination of prospec-*
13 *tive relief under this paragraph; or*

14 “(iii) *in the case of an order issued on or*
15 *before the date of enactment of the Prison Litiga-*
16 *tion Reform Act, 2 years after such date of en-*
17 *actment.*

18 “(B) *Nothing in this section shall prevent the*
19 *parties from agreeing to terminate or modify relief*
20 *before the relief is terminated under subparagraph*
21 *(A).*

22 “(2) *IMMEDIATE TERMINATION OF PROSPECTIVE*
23 *RELIEF.*—*In any civil action with respect to prison*
24 *conditions, a defendant or intervener shall be entitled*
25 *to the immediate termination of any prospective relief*

1 *if the relief was approved or granted in the absence*
2 *of a finding by the court that the relief is narrowly*
3 *drawn, extends no further than necessary to correct*
4 *the violation of the Federal right, and is the least in-*
5 *trusive means necessary to correct the violation of the*
6 *Federal right.*

7 “(3) *LIMITATION.*—*Prospective relief shall not*
8 *terminate if the court makes written findings based*
9 *on the record that prospective relief remains necessary*
10 *to correct a current or ongoing violation of the Fed-*
11 *eral right, extends no further than necessary to correct*
12 *the violation of the Federal right, and that the pro-*
13 *spective relief is narrowly drawn and the least intru-*
14 *sive means to correct the violation.*

15 “(4) *TERMINATION OR MODIFICATION OF RE-*
16 *LIEF.*—*Nothing in this section shall prevent any*
17 *party from seeking modification or termination before*
18 *the relief is terminable under paragraph (1) or (2),*
19 *to the extent that modification or termination would*
20 *otherwise be legally permissible.*

21 “(c) *SETTLEMENTS.*—

22 “(1) *CONSENT DECREES.*—*In any civil action*
23 *with respect to prison conditions, the court shall not*
24 *enter or approve a consent decree unless it complies*

1 *with the limitations on relief set forth in subsection*
 2 *(a).*

3 “(2) *PRIVATE SETTLEMENT AGREEMENTS.—(A)*
 4 *Nothing in this section shall preclude parties from en-*
 5 *tering into a private settlement agreement that does*
 6 *not comply with the limitations on relief set forth in*
 7 *subsection (a), if the terms of that agreement are not*
 8 *subject to court enforcement other than the reinstate-*
 9 *ment of the civil proceeding that the agreement set-*
 10 *tled.*

11 “(B) *Nothing in this section shall preclude any*
 12 *party claiming that a private settlement agreement*
 13 *has been breached from seeking in State court any*
 14 *remedy for breach of contract available under State*
 15 *law.*

16 “(d) *STATE LAW REMEDIES.—The limitations on rem-*
 17 *edies in this section shall not apply to relief entered by a*
 18 *State court based solely upon claims arising under State*
 19 *law.*

20 “(e) *PROCEDURE FOR MOTIONS AFFECTING PROSPEC-*
 21 *TIVE RELIEF.—*

22 “(1) *GENERALLY.—The court shall promptly*
 23 *rule on any motion to modify or terminate prospec-*
 24 *tive relief in a civil action with respect to prison con-*
 25 *ditions.*

1 “(2) *AUTOMATIC STAY.*—Any prospective relief
2 subject to a pending motion shall be automatically
3 stayed during the period—

4 “(A)(i) beginning on the 30th day after
5 such motion is filed, in the case of a motion
6 made under paragraph (1) or (2) of subsection
7 (b); or

8 “(ii) beginning on the 180th day after such
9 motion is filed, in the case of a motion made
10 under subsection (b)(4); and

11 “(B) ending on the date the court enters a
12 final order ruling on the motion.

13 “(f) *SPECIAL MASTERS.*—

14 “(1) *IN GENERAL.*—(A) In any civil action in a
15 Federal court with respect to prison conditions, the
16 court may appoint a disinterested and objective spe-
17 cial master, who will give due regard to the public
18 safety, to conduct hearings on the record and prepare
19 proposed findings of fact.

20 “(B) The court shall appoint a special master
21 under this subsection during the remedial phase of the
22 action only upon a finding that the remedial phase
23 will be sufficiently complex to warrant the appoint-
24 ment.

1 “(2) *APPOINTMENT.*—(A) *If the court determines*
2 *that the appointment of a special master is necessary,*
3 *the court shall request that the defendant institution*
4 *and the plaintiff each submit a list of not more than*
5 *5 persons to serve as a special master.*

6 “(B) *Each party shall have the opportunity to*
7 *remove up to 3 persons from the opposing party’s list.*

8 “(C) *The court shall select the master from the*
9 *persons remaining on the list after the operation of*
10 *subparagraph (B).*

11 “(3) *INTERLOCUTORY APPEAL.*—*Any party shall*
12 *have the right to an interlocutory appeal of the*
13 *judge’s selection of the special master under this sub-*
14 *section, on the ground of partiality.*

15 “(4) *COMPENSATION.*—*The compensation to be*
16 *allowed to a special master under this section shall be*
17 *based on an hourly rate not greater than the hourly*
18 *rate established under section 3006A for payment of*
19 *court-appointed counsel, plus costs reasonably in-*
20 *curring by the special master. Such compensation and*
21 *costs shall be paid with funds appropriated to the*
22 *Federal Judiciary.*

23 “(5) *REGULAR REVIEW OF APPOINTMENT.*—*In*
24 *any civil action with respect to prison conditions in*
25 *which a special master is appointed under this sub-*

1 *section, the court shall review the appointment of the*
2 *special master every 6 months to determine whether*
3 *the services of the special master continue to be re-*
4 *quired under paragraph (1). In no event shall the ap-*
5 *pointment of a special master extend beyond the ter-*
6 *mination of the relief.*

7 *“(6) LIMITATIONS ON POWERS AND DUTIES.—A*
8 *special master appointed under this subsection—*

9 *“(A) shall make any findings based on the*
10 *record as a whole;*

11 *“(B) shall not make any findings or com-*
12 *munications ex parte; and*

13 *“(C) may be removed at any time, but shall*
14 *be relieved of the appointment upon the termi-*
15 *nation of relief.*

16 *“(g) DEFINITIONS.—As used in this section—*

17 *“(1) the term ‘consent decree’ means any relief*
18 *entered by the court that is based in whole or in part*
19 *upon the consent or acquiescence of the parties but*
20 *does not include private settlements;*

21 *“(2) the term ‘civil action with respect to prison*
22 *conditions’ means any civil proceeding arising under*
23 *Federal law with respect to the conditions of confine-*
24 *ment or the effects of actions by government officials*
25 *on the lives of persons confined in prison, but does*

1 *not include habeas corpus proceedings challenging the*
2 *fact or duration of confinement in prison;*

3 “(3) the term ‘prisoner’ means any person sub-
4 *ject to incarceration, detention, or admission to any*
5 *facility who is accused of, convicted of, sentenced for,*
6 *or adjudicated delinquent for, violations of criminal*
7 *law or the terms and conditions of parole, probation,*
8 *pretrial release, or diversionary program;*

9 “(4) the term ‘prisoner release order’ includes
10 *any order, including a temporary restraining order*
11 *or preliminary injunctive relief, that has the purpose*
12 *or effect of reducing or limiting the prison popu-*
13 *lation, or that directs the release from or*
14 *nonadmission of prisoners to a prison;*

15 “(5) the term ‘prison’ means any Federal, State,
16 *or local facility that incarcerates or detains juveniles*
17 *or adults accused of, convicted of, sentenced for, or ad-*
18 *judicated delinquent for, violations of criminal law;*

19 “(6) the term ‘private settlement agreement’
20 *means an agreement entered into among the parties*
21 *that is not subject to judicial enforcement other than*
22 *the reinstatement of the civil proceeding that the*
23 *agreement settled;*

24 “(7) the term ‘prospective relief’ means all relief
25 *other than compensatory monetary damages; and*

1 “(8) the term ‘relief’ means all relief in any form
2 that may be granted or approved by the court, and
3 includes consent decrees but does not include private
4 settlement agreements.”.

5 (b) *APPLICATION OF AMENDMENT.*—

6 (1) *IN GENERAL.*—Section 3626 of title 18, *Unit-*
7 *ed States Code*, as amended by this section, shall
8 apply with respect to all prospective relief whether
9 such relief was originally granted or approved before,
10 on, or after the date of the enactment of this title.

11 (2) *TECHNICAL AMENDMENT.*—Subsections (b)
12 and (d) of section 20409 of the *Violent Crime Control*
13 *and Law Enforcement Act of 1994* are repealed.

14 (c) *CLERICAL AMENDMENT.*—The table of sections at
15 the beginning of subchapter C of chapter 229 of title 18,
16 *United States Code*, is amended to read as follows:

 “3626. *Appropriate remedies with respect to prison conditions.*”.

17 **SEC. 803. AMENDMENTS TO CIVIL RIGHTS OF INSTITU-**
18 **TIONALIZED PERSONS ACT.**

19 (a) *INITIATION OF CIVIL ACTIONS.*—Section 3(c) of the
20 *Civil Rights of Institutionalized Persons Act (42 U.S.C.*
21 *1997a(c))* (referred to in this section as the “Act”) is
22 amended to read as follows:

23 “(c) *The Attorney General shall personally sign any*
24 *complaint filed pursuant to this section.*”.

1 (b) *CERTIFICATION REQUIREMENTS.*—Section 4 of the
2 Act (42 U.S.C. 1997b) is amended—

3 (1) in subsection (a)—

4 (A) by striking “he” each place it appears
5 and inserting “the Attorney General”; and

6 (B) by striking “his” and inserting “the At-
7 torney General’s”; and

8 (2) by amending subsection (b) to read as fol-
9 lows:

10 “(b) The Attorney General shall personally sign any
11 certification made pursuant to this section.”.

12 (c) *INTERVENTION IN ACTIONS.*—Section 5 of the Act
13 (42 U.S.C. 1997c) is amended—

14 (1) in subsection (b)—

15 (A) in paragraph (1), by striking “he” each
16 place it appears and inserting “the Attorney
17 General”; and

18 (B) by amending paragraph (2) to read as
19 follows:

20 “(2) The Attorney General shall personally sign any
21 certification made pursuant to this section.”; and

22 (2) by amending subsection (c) to read as fol-
23 lows:

24 “(c) The Attorney General shall personally sign any
25 motion to intervene made pursuant to this section.”.

1 (d) *SUITS BY PRISONERS*.—Section 7 of the Act (42
2 U.S.C. 1997e) is amended to read as follows:

3 **“SEC. 7. SUITS BY PRISONERS.**

4 “(a) *APPLICABILITY OF ADMINISTRATIVE REM-*
5 *EDIES*.—No action shall be brought with respect to prison
6 conditions under section 1979 of the Revised Statutes of the
7 United States (42 U.S.C. 1983), or any other law, by a
8 prisoner confined in any jail, prison, or other correctional
9 facility until such administrative remedies as are available
10 are exhausted.

11 “(b) *FAILURE OF STATE TO ADOPT OR ADHERE TO*
12 *ADMINISTRATIVE GRIEVANCE PROCEDURE*.—The failure of
13 a State to adopt or adhere to an administrative grievance
14 procedure shall not constitute the basis for an action under
15 section 3 or 5 of this Act.

16 “(c) *DISMISSAL*.—(1) The court shall on its own mo-
17 tion or on the motion of a party dismiss any action brought
18 with respect to prison conditions under section 1979 of the
19 Revised Statutes of the United States (42 U.S.C. 1983), or
20 any other law, by a prisoner confined in any jail, prison,
21 or other correctional facility if the court is satisfied that
22 the action is frivolous, malicious, fails to state a claim upon
23 which relief can be granted, or seeks monetary relief from
24 a defendant who is immune from such relief.

1 “(2) *In the event that a claim is, on its face, frivolous,*
2 *malicious, fails to state a claim upon which relief can be*
3 *granted, or seeks monetary relief from a defendant who is*
4 *immune from such relief, the court may dismiss the under-*
5 *lying claim without first requiring the exhaustion of ad-*
6 *ministrative remedies.*

7 “(d) *ATTORNEY’S FEES.—(1) In any action brought*
8 *by a prisoner who is confined to any jail, prison, or other*
9 *correctional facility, in which attorney’s fees are authorized*
10 *under section 2 of the Revised Statutes of the United States*
11 *(42 U.S.C. 1988), such fees shall not be awarded, except*
12 *to the extent that—*

13 “(A) *the fee was directly and reasonably in-*
14 *curred in proving an actual violation of the plain-*
15 *tiff’s rights protected by a statute pursuant to which*
16 *a fee may be awarded under section 2 of the Revised*
17 *Statutes; and*

18 “(B) *the amount of the fee is proportionately re-*
19 *lated to the court ordered relief for the violation.*

20 “(2) *Whenever a monetary judgment is awarded in an*
21 *action described in paragraph (1), a portion of the judg-*
22 *ment (not to exceed 25 percent) shall be applied to satisfy*
23 *the amount of attorney’s fees awarded against the defend-*
24 *ant. If the award of attorney’s fees is greater than 25 per-*

1 *cent of the judgment, the excess shall be paid by the defend-*
 2 *ant.*

3 “(3) *No award of attorney’s fees in an action described*
 4 *in paragraph (1) shall be based on an hourly rate greater*
 5 *than the hourly rate established under section 3006A of title*
 6 *18, United States Code, for payment of court-appointed*
 7 *counsel.*

8 “(4) *Nothing in this subsection shall prohibit a pris-*
 9 *oner from entering into an agreement to pay an attorney’s*
 10 *fee in an amount greater than the amount authorized under*
 11 *this subsection, if the fee is paid by the individual rather*
 12 *than by the defendant pursuant to section 2 of the Revised*
 13 *Statutes of the United States (42 U.S.C. 1988).*

14 “(e) *LIMITATION ON RECOVERY.—No Federal civil ac-*
 15 *tion may be brought by a prisoner confined in a jail, pris-*
 16 *on, or other correctional facility, for mental or emotional*
 17 *injury suffered while in custody without a prior showing*
 18 *of physical injury.*

19 “(f) *HEARINGS.—To the extent practicable, in any ac-*
 20 *tion brought with respect to prison conditions in Federal*
 21 *court pursuant to section 1979 of the Revised Statutes of*
 22 *the United States (42 U.S.C. 1983), or any other law, by*
 23 *a prisoner confined in any jail, prison, or other correctional*
 24 *facility, pretrial proceedings in which the prisoner’s par-*
 25 *ticipation is required or permitted shall be conducted by*

1 *telephone or video conference without removing the prisoner*
2 *from the facility in which the prisoner is confined.*

3 “(g) *WAIVER OF REPLY.*—(1) *Any defendant may*
4 *waive the right to reply to any action brought by a prisoner*
5 *confined in any jail, prison, or other correctional facility*
6 *under section 1979 of the Revised Statutes of the United*
7 *States (42 U.S.C. 1983) or any other law. Notwithstanding*
8 *any other law or rule of procedure, such waiver shall not*
9 *constitute an admission of the allegations contained in the*
10 *complaint. No relief shall be granted to the plaintiff unless*
11 *a reply has been filed.*

12 “(2) *The court may, in its discretion, require any de-*
13 *fendant to reply to a complaint commenced under this sec-*
14 *tion.*

15 “(h) *DEFINITION.*—*As used in this section, the term*
16 *‘prisoner’ means any person incarcerated or detained in*
17 *any facility who is accused of, convicted of, sentenced for,*
18 *or adjudicated delinquent for, violations of criminal law*
19 *or the terms and conditions of parole, probation, pretrial*
20 *release, or diversionary program.”.*

21 “(e) *REPORT TO CONGRESS.*—*Section 8 of the Act (42*
22 *U.S.C. 1997f) is amended by striking “his report” and in-*
23 *serting “the report”.*

24 “(f) *NOTICE TO FEDERAL DEPARTMENTS.*—*Section 10*
25 *of the Act (42 U.S.C. 1997h) is amended—*

1 (1) *by striking “his action” and inserting “the*
2 *action”*; and

3 (2) *by striking “he is satisfied” and inserting*
4 *“the Attorney General is satisfied”*.

5 **SEC. 804. PROCEEDINGS IN FORMA PAUPERIS.**

6 (a) *FILING FEES*.—Section 1915 of title 28, United
7 *States Code, is amended—*

8 (1) *in subsection (a)—*

9 (A) *by striking “(a) Any” and inserting*
10 *“(a)(1) Subject to subsection (b), any”*;

11 (B) *by striking “and costs”*;

12 (C) *by striking “makes affidavit” and in-*
13 *serting “submits an affidavit”*;

14 (D) *by striking “such costs” and inserting*
15 *“such fees”*;

16 (E) *by striking “he” each place it appears*
17 *and inserting “the person”*;

18 (F) *by adding immediately after paragraph*
19 *(1), the following new paragraph:*

20 “(2) *A prisoner seeking to bring a civil action or ap-*
21 *peal a judgment in a civil action or proceeding without*
22 *prepayment of fees or security therefor, in addition to filing*
23 *the affidavit filed under paragraph (1), shall submit a cer-*
24 *tified copy of the trust fund account statement (or institu-*
25 *tional equivalent) for the prisoner for the 6-month period*

1 *immediately preceding the filing of the complaint or notice*
2 *of appeal, obtained from the appropriate official of each*
3 *prison at which the prisoner is or was confined.”; and*

4 *(G) by striking “An appeal” and inserting*
5 *“(3) An appeal”;*

6 *(2) by redesignating subsections (b), (c), (d), and*
7 *(e) as subsections (c), (d), (e), and (f), respectively;*

8 *(3) by inserting after subsection (a) the following*
9 *new subsection:*

10 *“(b)(1) Notwithstanding subsection (a), if a prisoner*
11 *brings a civil action or files an appeal in forma pauperis,*
12 *the prisoner shall be required to pay the full amount of a*
13 *filing fee. The court shall assess, and when funds exist, col-*
14 *lect, as a partial payment of any court fees required by*
15 *law, an initial partial filing fee of 20 percent of the greater*
16 *of—*

17 *“(A) the average monthly deposits to the pris-*
18 *oner’s account; or*

19 *“(B) the average monthly balance in the pris-*
20 *oner’s account for the 6-month period immediately*
21 *preceding the filing of the complaint or notice of ap-*
22 *peal.*

23 *“(2) After payment of the initial partial filing fee, the*
24 *prisoner shall be required to make monthly payments of 20*
25 *percent of the preceding month’s income credited to the pris-*

1 oner's account. The agency having custody of the prisoner
 2 shall forward payments from the prisoner's account to the
 3 clerk of the court each time the amount in the account ex-
 4 ceeds \$10 until the filing fees are paid.

5 “(3) In no event shall the filing fee collected exceed the
 6 amount of fees permitted by statute for the commencement
 7 of a civil action or an appeal of a civil action or criminal
 8 judgment.

9 “(4) In no event shall a prisoner be prohibited from
 10 bringing a civil action or appealing a civil or criminal
 11 judgment for the reason that the prisoner has no assets and
 12 no means by which to pay the initial partial filing fee.”;

13 (4) in subsection (c), as redesignated by para-
 14 graph (2), by striking “subsection (a) of this section”
 15 and inserting “subsections (a) and (b) and the pre-
 16 payment of any partial filing fee as may be required
 17 under subsection (b)”;

18 (5) by amending subsection (e), as redesignated
 19 by paragraph (2), to read as follows:

20 “(e)(1) The court may request an attorney to represent
 21 any person unable to afford counsel.

22 “(2) Notwithstanding any filing fee, or any portion
 23 thereof, that may have been paid, the court shall dismiss
 24 the case at any time if the court determines that—

25 “(A) the allegation of poverty is untrue; or

1 “(B) *the action or appeal—*

2 *“(i) is frivolous or malicious;*

3 *“(ii) fails to state a claim on which relief*

4 *may be granted; or*

5 *“(iii) seeks monetary relief against a de-*

6 *fendant who is immune from such relief.”.*

7 (b) *COSTS.—Section 1915(f) of title 28, United States*
 8 *Code (as redesignated by subsection (a)(2)), is amended—*

9 (1) *by striking “(f) Judgment” and inserting*
 10 *“(f)(1) Judgment”;*

11 (2) *by striking “cases” and inserting “proceed-*
 12 *ings”;* and

13 (3) *by adding at the end the following new para-*
 14 *graph:*

15 “(2)(A) *If the judgment against a prisoner includes*
 16 *the payment of costs under this subsection, the prisoner*
 17 *shall be required to pay the full amount of the costs ordered.*

18 “(B) *The prisoner shall be required to make payments*
 19 *for costs under this subsection in the same manner as is*
 20 *provided for filing fees under subsection (a)(2).*

21 “(C) *In no event shall the costs collected exceed the*
 22 *amount of the costs ordered by the court.”.*

23 (c) *SUCCESSIVE CLAIMS.—Section 1915 of title 28,*
 24 *United States Code, is amended by adding at the end the*
 25 *following new subsection:*

1 “(g) *In no event shall a prisoner bring a civil action*
 2 *or appeal a judgment in a civil action or proceeding under*
 3 *this section if the prisoner has, on 3 or more prior occa-*
 4 *sions, while incarcerated or detained in any facility,*
 5 *brought an action or appeal in a court of the United States*
 6 *that was dismissed on the grounds that it is frivolous, mali-*
 7 *cious, or fails to state a claim upon which relief may be*
 8 *granted, unless the prisoner is under imminent danger of*
 9 *serious physical injury.”.*

10 (d) *DEFINITION.*—Section 1915 of title 28, United
 11 States Code, is amended by adding at the end the following
 12 new subsection:

13 “(h) *As used in this section, the term ‘prisoner’ means*
 14 *any person incarcerated or detained in any facility who*
 15 *is accused of, convicted of, sentenced for, or adjudicated de-*
 16 *linquent for, violations of criminal law or the terms and*
 17 *conditions of parole, probation, pretrial release, or diver-*
 18 *sionary program.”.*

19 **SEC. 805. JUDICIAL SCREENING.**

20 (a) *IN GENERAL.*—Chapter 123 of title 28, United
 21 States Code, is amended by inserting after section 1915 the
 22 following new section:

23 **“§ 1915A. Screening**

24 “(a) *SCREENING.*—The court shall review, before dock-
 25 eting, if feasible or, in any event, as soon as practicable

1 *after docketing, a complaint in a civil action in which a*
 2 *prisoner seeks redress from a governmental entity or officer*
 3 *or employee of a governmental entity.*

4 “(b) *GROUND FOR DISMISSAL.*—On review, the court
 5 shall dismiss the complaint, or any portion of the com-
 6 plaint, if the complaint—

7 “(1) *is frivolous, malicious, or fails to state a*
 8 *claim upon which relief may be granted; or*

9 “(2) *seeks monetary relief from a defendant who*
 10 *is immune from such relief.*

11 “(c) *DEFINITION.*—As used in this section, the term
 12 ‘prisoner’ means any person incarcerated or detained in
 13 any facility who is accused of, convicted of, sentenced for,
 14 or adjudicated delinquent for, violations of criminal law
 15 or the terms and conditions of parole, probation, pretrial
 16 release, or diversionary program.”.

17 (b) *TECHNICAL AMENDMENT.*—The analysis for chap-
 18 ter 123 of title 28, United States Code, is amended by in-
 19 serting after the item relating to section 1915 the following
 20 new item:

“1915A. Screening.”.

21 **SEC. 806. FEDERAL TORT CLAIMS.**

22 Section 1346(b) of title 28, United States Code, is
 23 amended—

24 (1) by striking “(b)” and inserting “(b)(1)”; and

25 (2) by adding at the end the following:

1 “(2) No person convicted of a felony who is incarcer-
 2 ated while awaiting sentencing or while serving a sentence
 3 may bring a civil action against the United States or an
 4 agency, officer, or employee of the Government, for mental
 5 or emotional injury suffered while in custody without a
 6 prior showing of physical injury.”.

7 **SEC. 807. EARNED RELEASE CREDIT OR GOOD TIME CREDIT**
 8 **REVOCATION.**

9 (a) *IN GENERAL.*—Chapter 123 of title 28, United
 10 States Code, is amended by adding at the end the following
 11 new section:

12 **“§ 1932. Revocation of earned release credit**

13 *“In any civil action brought by an adult convicted of*
 14 *a crime and confined in a Federal correctional facility, the*
 15 *court may order the revocation of such earned good time*
 16 *credit under section 3624(b) of title 18, United States Code,*
 17 *that has not yet vested, if, on its own motion or the motion*
 18 *of any party, the court finds that—*

19 *“(1) the claim was filed for a malicious purpose;*

20 *“(2) the claim was filed solely to harass the*
 21 *party against which it was filed; or*

22 *“(3) the claimant testifies falsely or otherwise*
 23 *knowingly presents false evidence or information to*
 24 *the court.”.*

1 (b) *TECHNICAL AMENDMENT.*—*The analysis for chap-*
 2 *ter 123 of title 28, United States Code, is amended by in-*
 3 *serting after the item relating to section 1931 the following:*

“1932. Revocation of earned release credit.”.

4 (c) *AMENDMENT OF SECTION 3624 OF TITLE 18.*—*Sec-*
 5 *tion 3624(b) of title 18, United States Code, is amended—*

6 (1) *in paragraph (1)—*

7 (A) *by striking the first sentence;*

8 (B) *in the second sentence—*

9 (i) *by striking “A prisoner” and in-*
 10 *serting “Subject to paragraph (2), a pris-*
 11 *oner”;*

12 (ii) *by striking “for a crime of vio-*
 13 *lence,”; and*

14 (iii) *by striking “such”;*

15 (C) *in the third sentence, by striking “If the*
 16 *Bureau” and inserting “Subject to paragraph*
 17 *(2), if the Bureau”;*

18 (D) *by striking the fourth sentence and in-*
 19 *serting the following: “In awarding credit under*
 20 *this section, the Bureau shall consider whether*
 21 *the prisoner, during the relevant period, has*
 22 *earned, or is making satisfactory progress to-*
 23 *ward earning, a high school diploma or an*
 24 *equivalent degree.”; and*

1 (E) in the sixth sentence, by striking “Cred-
2 it for the last” and inserting “Subject to para-
3 graph (2), credit for the last”; and
4 (2) by amending paragraph (2) to read as fol-
5 lows:

6 “(2) Notwithstanding any other law, credit
7 awarded under this subsection after the date of enact-
8 ment of the Prison Litigation Reform Act shall vest
9 on the date the prisoner is released from custody.”.

10 This Act may be cited as the “Departments of Com-
11 merce, Justice, and State, the Judiciary, and Related Agen-
12 cies Appropriations Act, 1996”.

Attest:

Secretary.

104TH CONGRESS
1ST SESSION

H. R. 2076

AMENDMENT

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